

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
E/S Baltimore Street, 12' S * ZONING COMMISSIONER
of Georgia Avenue * OF BALTIMORE COUNTY
(Baltimore Highlands Light Rail) *
13th Election District *
1st Councilmanic District * Case No. 91-410-SPX
CSX Transportation, Inc. -
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a passenger station on the subject property, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Irwin Brown, Esquire, appeared and testified. Also appearing on behalf of the Petitioners was Christine A. Wells, Planner, and Beth Robinson, with the Mass Transit Administration (MTA); Joseph A. Romanowski, Jr., Craig Forrest, Baltimore County Office of Planning, and Harry Wilhelm, Jr., Baltimore Gas & Electric Company. There were no Protestants.

Testimony indicated that the subject property, known as the Baltimore Highlands Light Rail Passenger Station, consists of 3.130 acres, of which 0.987 acres are zoned R.C.-20 and 2.043 acres are zoned D.R. 5.5. Said property is located in the southwestern portion of Baltimore County on Baltimore Street south of Georgia Avenue in the community known as Baltimore Highlands. Petitioners propose the construction of a typical light rail passenger station with accompanying parking lot for individuals who use the MTA light rail system to commute to work. The proposed station will contain typical amenities, such as a cover for protection from the weather, a highblock for handicapped individuals, and appropriate ticket machines and signage, all in accordance with the standard plan developed

by the MTA for its light rail route through Baltimore County, Baltimore City and Anne Arundel County. Petitioner's Exhibits 1 through 6 outline the proposed structure, facilities and activities for the subject station. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding uses.

It is clear that the B.C.Z.R. permits the use proposed in the R.C. 20, D.R. 5.5 zones by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

- 2 -

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

The subject property lies within the Chesapeake Bay Critical Areas and as such, must comply with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. as set forth in findings to be submitted by the Department of Environmental Protection and Resource Management (DEPRM). Petitioners will be required to comply with any and all restrictions imposed by DEPRM at such time as they complete their findings as a condition of this Order. However, the testimony and evidence presented indicated that the entire development is taking place on an existing rail line and that no new disturbances will occur within said Critical Areas.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of June, 1991 that the Petition for Special Exception for a passenger station, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit rear setbacks of 11 feet in lieu of the minimum required 30 feet for the highblock (ramp) and 9 feet in lieu of the required 30 feet for the two passenger shelters, in accordance with Petitioner's Exhibits 1 through 6, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

- 3 -

time as the 15-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 6/17/91
By [Signature]

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-410-X CRITICAL AREA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Baltimore Highlands Light Rail Passenger Station

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Mass Transit Administration

(Type or Print Name)

[Signature]

Signature: *[Signature]*

Address: 300 W. Lexington Street

City and State: Baltimore, Maryland 21201-3415

Attorney for Petitioner:

[Signature]

(Type or Print Name)

Signature: *[Signature]*

Address: 300 W. Lexington Street

City and State: Baltimore, Maryland 21201-3415

Attorney's Telephone No.: 333-3315

Legal Owner(s):

CSX Transportation, Inc.

(Type or Print Name)

[Signature]

Signature: *[Signature]*

Address: 500 Water Street

City and State: Jacksonville, FL 32202

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Christine A. Wells, Representative

Name

Address: 300 W. Lexington St.

City and State: Baltimore, Maryland

Phone No.: 333-2875

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of June, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of June, 1991, at 1:30 o'clock

P. M.

[Signature]

Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date 6/17/91
By [Signature]

K.C.O.-No. 1

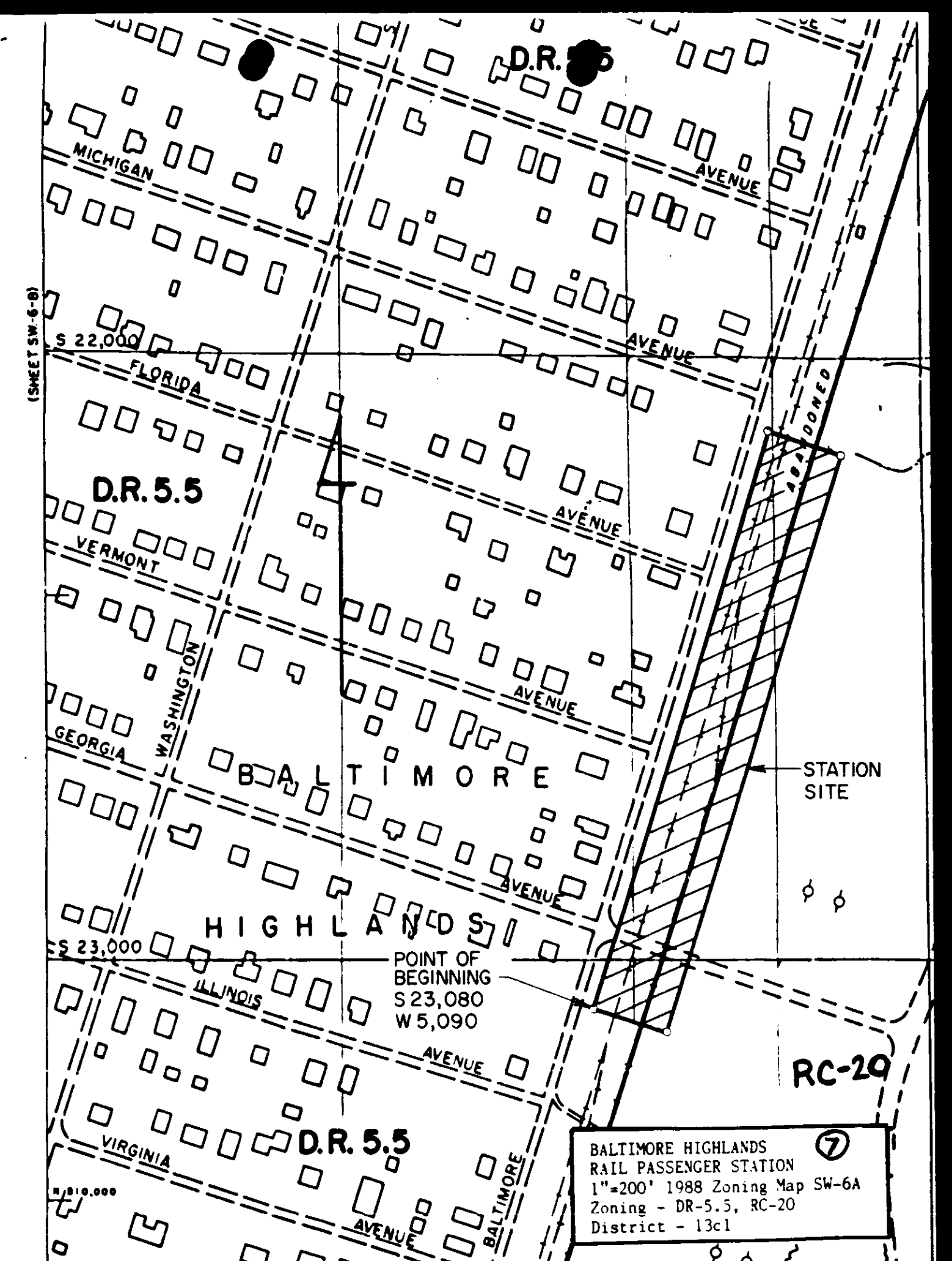
mark - 4/15/91 (Filing date - 4/15/91)
avail anytime
est time - 1 day - M.T.A. light rail

CRITICAL AREA

PAGE 1 OF 2

ZONING DESCRIPTION
BALTIMORE COUNTY
CLRL BALTIMORE HIGHLANDS STOP
TAX MAP 103, GRID 11

Beginning at a point on the easterly side of Baltimore Street, which is 60.00 feet wide at a distance of 125.00 feet southerly of the center line of the nearest improved intersecting street, Georgia Avenue, which easement is 50.00 feet wide. Thence along the Easterly Right-of-Way line of Baltimore Street, also being the Westerly Right-of-Way line of the B & A Railroad, thence binding on said Right-of-Way line N 17° 49' 24" E. a distance of 1000.00 feet to a point, thence through the lands of B & A Railroad and the CSXT S 72° 10' 36" E. a distance of 132.00 feet, to a point, said point being on the Easterly Right-of-Way line of the CSXT, thence binding on said CSXT Right-of-Way line S 17° 49' 24" W. a distance of 1000.00 feet to a point, thence through the lands of CSXT and B & A Railroad N 72° 10' 36" W. a distance of 132.00 feet to the Place of Beginning. The above description is a portion of 2 parcels recorded in the land records of Baltimore County as listed below:



CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL CATEGORY APPEAL 92CV9591 35/102

ATTORNEYS

IN THE MATTER OF THE
APPLICATION OF LEROY L. ENNIS
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE
NORTHWEST SIDE OF PHILA-
DELPHIA ROAD, 760' NORTHEAST OF
LENNINGS LANE (9114-9118 PHILA-
DELPHIA ROAD) 14TH
ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
THOMAS J. HERGENROEDER

Michael E. Marino, Esq.
Levy & Marino, P.A.
609 Bosley Ave. (04) 821-6633
Anthony P. Palaigos
Blum, Yumkas, Mailman, Gutman,
& Denick, P.A. 2 Hopkins Plaza
1200 Mercantile Bank & Trust Bldg
(01) 385-4027

TRANSCRIPT IN BASEMENT

LOCATION: 20x92

- (1) October 13, 1992 - Petitioner's THOMAS J. HERGENROEDER Order for Appeal from the Decision of the Baltimore County, Maryland Board of Appeals, fd.
- (2) Oct 14, 1992 Certificate of Notice, fd.
- (3) Oct 23, 1992 Petition for Appeal, fd.
- (4) Nov. 24, 1992 Transcript of Record, fd. (G-1) (rec'd-11/19/92)
- (5) Nov. 24, 1992 Notice of Filing of Record, fd. (rec'd-11/19/92)
- (6) Jan. 1, 1993 - App. of ANTHONY P. PALAIGOS for the LEROY L. ENNIS and same day Answer to Petition to follow order for appeal, fd.

CV GEN COSTS 929591
CV CLK 80.00
B LBY 10.00
CNCHECK TL 90.00
#29457 C001 R01 T0815
10/14/92

CIVIL 929591
CV CLK 15.00
CNCHECK TL 15.00
#50557 C002 R01 T1515
08/10/92

FILED, SETTLER & SHERIFF

AUG 10 1992

DISMISSED WITH PREJUDICE
ORDER OF PLAINTIFF'S ATT. FD. 10/14/92

Docket 35 Page 102 Case 92CV 9591

IN THE MATTER OF
THE APPLICATION OF LEROY L.
ENNIS FOR A SPECIAL HEARING
ON PROPERTY LOCATED ON THE
NORTHWEST SIDE OF PHILA-
DELPHIA ROAD, 760' NORTHEAST OF
LENNINGS LANE (9114-9118
PHILADELPHIA ROAD) 14TH
ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
THOMAS J. HERGENROEDER,
Plaintiff
ZONING CASE NO. 91-411-SPH
Defendant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

CG. DOC. NO. 35
FOLIO NO. 102
CASE NO.: 92-CV-9591

ANSWER OF LEROY L. ENNIS TO
PETITION TO FOLLOW ORDER FOR APPEAL

Leroy L. Ennis ("Ennis"), by his attorneys, Anthony P. Palaigos and Blum, Yumkas, Mailman, Gutman & Denick, P.A., having on December 15, 1992, receiving for the first time a copy of Thomas J. Hergenroeder's (the "Plaintiff") Petition to Follow Order for Appeal (the "Petition"), answers the Petition pursuant to Rule B9 of the Maryland Rules of Civil Procedure and says as follows:

1. That the original application (the "Application") for a Special Hearing on the Properties known as 9114-9118 Philadelphia Road, owned by the Plaintiff, which is the subject of these proceedings, was filed by Ennis, an adjoining property owner, with the Zoning Commissioner of Baltimore County (the "Commissioner").

2. The Commissioner, after having heard testimony and reviewing the evidence, rendered his decision on May 26, 1992.

3. The Plaintiff, not satisfied with the Commissioner's decision of May 26, 1992, filed an appeal of same with the County Board of Appeals of Baltimore County ("the Board") on June 26, 1992, which appeal was filed beyond the thirty (30) day appeal period.

4. Ennis, by his counsel, filed with the Board its Motion to Dismiss the Plaintiff's appeal on the basis that the appeal was not timely filed and therefore the Board was without jurisdiction to hear the appeal.

5. Ennis' Motion to Dismiss was granted by the Board pursuant to its Order dated September 16, 1992 from which this appeal to this Honorable Court was taken by the Plaintiff.

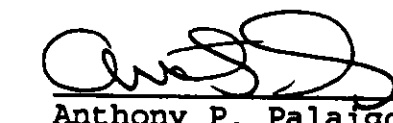
6. In further answer to the Plaintiff's Petition, Ennis specifically states that:

- (a) the decision of the Board was supported by the evidence; and
- (b) that the Board applied the law correctly to those facts; and
- (c) the decision of the Board was not arbitrary, capricious or illegal; and
- (d) the Board is without legal authority to alter the rules that have been established for its jurisdiction by the Baltimore County legislative body and the applicable State enabling legislation and that the issue of prejudice is not applicable or relevant as a defense to missing a jurisdictional time deadline.

- 2 -

WHEREFORE, Leroy L. Ennis respectfully requests this Honorable Court to affirm the decision of the County Board of Appeals of Baltimore County and to deny the relief requested by the Plaintiff, Thomas J. Hergenroeder.

Respectfully submitted,


Anthony P. Palaigos
Blum, Yumkas, Mailman, Gutman
& Denick, P.A.
1200 Mercantile Bank & Trust
Building
2 Hopkins Plaza
Baltimore, Maryland 21201
385-4027
Attorneys for Leroy L. Ennis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 17th day of December, 1992, a copy of the foregoing Answer of Leroy L. Ennis was mailed by first class mail, postage prepaid, to Michael E. Marino, Esquire, Levy and Marino, P.A., 609 Bosley Avenue, Towson, Maryland 21204, attorney for Thomas J. Hergenroeder; and The County Board of Appeals for Baltimore County, Room 49-Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, Attention: Linda Lee M. Kuszmaul, Legal Secretary.


Linda Lee M. Kuszmaul
Legal Secretary

G:11976001.ans
HRP:121792

- 3 -

IN THE MATTER OF THE APPLICATION
OF LEROY L. ENNIS FOR A SPECIAL
HEARING ON PROPERTY LOCATED
ON THE NORTHWEST SIDE OF PHILA-
DELPHIA ROAD, 760' NORTHEAST OF
LENNINGS LANE (9114-9118 PHILA-
DELPHIA ROAD) 14TH
ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
THOMAS J. HERGENROEDER,
PLAINTIFF
ZONING CASE NO. 91-411-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

CG Doc. No. 35
Folio No. 102
File No. 92-CV-9591

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE
BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Judson H. Lipowitz, and Michael B. Sauer, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. 91-411-SPH

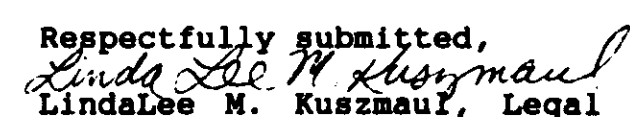
- April 24, 1991 Petition filed by Leroy L. Ennis for a Special Hearing to make a further interpretation of the inclusion of Parcels II and III in dismissal of violation case no. 72-91-V.
- May 23 Publication in newspaper.
- May 24 Comments of Baltimore County Zoning Plans Advisory Committee.
- August 29 Deputy Zoning Commissioner Kotroco's Order recusing himself and passing case on to the Board of Appeals.

Leroy L. Ennis, File No. 92-CV-9591
Case No. 91-411-SPH

2

- Sept. 9, 1991 Deputy Zoning Commissioner Kotroco's Amended Order that case will not be passed on to the Board but heard by new Zoning Commissioner.
- September 10 Certificate of Posting of property for postponement. Hearing held on Petition by the Zoning Commissioner.
- May 26, 1992 Order of Zoning Commissioner Schmidt GRANTING Petition in part; DENYING Petition in part.
- June 26 Notice of Appeal received from Michael E. Marino, Esquire on behalf of Thomas Hergenroeder, Protestant/Appellant.
- August 5 Motion to Dismiss filed by Anthony P. Palaigos, Esquire on behalf of Petitioner.
- September 16 Hearing before the Board of Appeals on Motion to Dismiss.
- September 16 Ruling of the Board of Appeals dismissing case due to untimely filing of appeal.
- October 13 Petition and Order for Appeal filed in the Circuit Court for Baltimore County by Michael E. Marino, Esquire on behalf of Thomas J. Hergenroeder, Protestant/Appellant.
- October 14 Certificate of Notice sent to interested parties.
- November 19 Transcript of testimony filed.
- November 19 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,

Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 49-Basement
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

cc: Michael E. Marino, Esquire
Anthony P. Palaigos, Esquire

IN THE MATTER OF THE APPLICATION
OF LEROY L. ENNIS FOR A SPECIAL
HEARING ON PROPERTY LOCATED
ON THE NORTHWEST SIDE OF PHILA-
DELPHIA ROAD, 760' NORTHEAST OF
LENNINGS LANE (9114-9118 PHILA-
DELPHIA ROAD) 14TH
ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
THOMAS J. HERGENROEDER,
PLAINTIFF
ZONING CASE NO. 91-411-SPH

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

CG Doc. No. 35
Folio No. 102
File No. 92-CV-9591


CERTIFICATE OF NOTICE

Madam Clerk:


Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Judson H. Lipowitz, and Michael B. Sauer, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Michael E. Marino, Esquire, Levy & Marino, P.A., 609 Bosley Avenue, Towson, Maryland 21204, Counsel for Plaintiff; Mr. Thomas J. Hergenroeder, 9114 Philadelphia Road, Baltimore, Maryland 21237, Plaintiff; Anthony P. Palaigos, Esquire, Blum, Yumkas, Mailman, Gutman & Denick, 1200 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201-2914, Counsel for Defendant; Mr. Leroy L. Ennis, 9120 Philadelphia Road, Baltimore, Maryland 21237, Defendant; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49 - Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Leroy L. Ennis, File No. 92-CV-9591
Case No. 91-411-SPH

2


Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 49-Basement,
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Michael E. Marino, Esquire, Levy & Marino, P.A., 609 Bosley Avenue, Towson, Maryland 21204, Counsel for Plaintiff; Mr. Thomas J. Hergenroeder, 9114 Philadelphia Road, Baltimore, Maryland 21237, Plaintiff; Anthony P. Palaigos, Esquire, Blum, Yumkas, Mailman, Gutman & Denick, 1200 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201-2914, Counsel for Defendant; Mr. Leroy L. Ennis, 9120 Philadelphia Road, Baltimore, Maryland 21237, Defendant; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 49 - Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on this 14th day of October, 1992.


Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 49-Basement,
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 15, 1994

Michael Marino, Esquire
LEVY & MARINO, P.A.
609 Bosley Avenue
Towson, MD 21204

RE: Case No. 91-411-SPH
LEROY L. ENNIS

Dear Mr. Marino:

As no further action has been taken regarding the subject matter since the August 10, 1993 Dismissal Order of the Circuit Court for Baltimore County, we have returned the Board's copy of the subject zoning file to the office of Zoning Administration and Development Management.

Anyone interested in this case can contact the Gwen Stephens of Zoning Administration at 887-3391 upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Leroy L. Ennis
Anthony P. Palaigos, Esquire
George A. Breschi, Esquire
Arnold Jablon /ZADM
Docket Clerk /ZADM

BLUM, YUMKAS, MAILMAN, GUTMAN & DENICK, P. A.
1200 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2914

(301) 385-4000
FAX (301) 385-4070

WRITERS DIRECT DIAL
385-4027

July 9, 1991

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: G. G. Stephens

Re: Case No. 91-411-SPH
Property: 9114 Philadelphia Road and 2 Adjoining Lots
Petitioner: Leroy L. Ennis
Our File No. 11976(1)

Dear Ms. Stephens:

Following up on our telephone conversation of July 8, 1991 in connection with the above captioned matter, I indicated to you that I would forward to you my schedule for the month of September so that hopefully the above referenced matter can be set in for a hearing during the month of September, 1991.

As such, please be advised that the dates that I am not available during the month of September are September 3, 4, 5, 6, 16, 17, 19 and 20. All other dates I am available for a hearing in September, 1991.

For you use, just in case, the dates that I am not available in October is October 29, 1991. Again, all other dates in October I am available.

Should you need any additional information, please do not hesitate to call, otherwise, I would appreciate your promptly scheduling a hearing in regards to the above captioned case.

Very truly yours,

Anthony P. Palaigos
Anthony P. Palaigos

APP/hp
cc: Mr. Leroy Ennis

RECEIVED
JUL 11 1991

ZONING OFFICE

BLUM, YUMKAS, MAILMAN, GUTMAN & DENICK, P. A.
1200 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2914

(301) 385-4000
FAX (301) 385-4070

WRITERS DIRECT DIAL
(301) 385-4027

August 27, 1991

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-411-SPH
9114 Philadelphia Road
Subject: Response to August 13, 1991 Decision
Our File No. 11976(1)

Dear Mr. Jablon:

I am in receipt of your letter dated August 13, 1991 and I agree with your decision in reference to this particular case. However, rather than waiting for the hearing date scheduled for September 24, 1991 to rule on Mr. Dinenna's Motion, if the Zoning Commissioner's office either through its Commissioner or Deputy Commissioner, is inclined to grant Mr. Dinenna's Motion, then let it be done now so that the case can be referred to the Board of Appeals as suggested in your letter of August 13, 1991. This procedure would save the inconvenience that would be experienced by all parties to appear at the hearing on September 24, 1991 prepared to testify, only to find that Mr. Dinenna's Motion will be granted, thus, wasting everybody's time on that day.

I would appreciate your careful review of this request and should you have any questions, please do not hesitate to call.

Very truly yours,

Anthony P. Palaigos
Anthony P. Palaigos

APP/hp
cc: J. Robert Haines, Zoning Commissioner
Timothy Kotroco, Deputy Zoning Commissioner
S. Eric Dinenna, Esquire
Mr. Leroy L. Ennis

RECEIVED
AUG 28 1991
ZONING OFFICE

BLUM, YUMKAS, MAILMAN, GUTMAN & DENICK, P. A.
1200 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2914

(301) 385-4000
FAX (301) 385-4070

WRITERS DIRECT DIAL
(301) 385-4027

September 6, 1991

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-411-SPH
Our File No. 11976(1)

Dear Mr. Jablon:

Following up on the Order issued by Deputy Zoning Commissioner Timothy M. Kotroco dated August 29, 1991 and the subsequent correspondence to your office dated September 3, 1991 from Mr. DiNenna, I had the opportunity to speak with Deputy Zoning Commissioner Kotroco during an unrelated hearing on September 5, 1991. In my conversation with Kotroco, he indicated to me that in light of the proposed appointment of Lawrence Schmidt as Zoning Commissioner and the expected confirmation of his appointment, that it would be best that the aforementioned case not be heard before the Board of Appeals, but rather back in the Zoning Commissioner's office on a date to be scheduled so that it can be heard before the new Zoning Commissioner Schmidt.

Essentially, that is the substance of Mr. DiNenna's request of September 3, 1991, and I indicated to Deputy Zoning Commissioner Kotroco that I am in full agreement with that and rescheduled at the next earliest convenient date for all parties concerned so that this matter can be heard on its merits before the Zoning Commissioner of Baltimore County.

Should you need any additional information, please do not hesitate to call.

Very truly yours,
Anthony P. Palaigos
Anthony P. Palaigos

APP/hp
cc: S. Eric DiNenna, Esq.
Timothy M. Kotroco
Leroy Ennis

RECEIVED
SEP 9 1991
ZONING OFFICE

BLUM, YUMKAS, MAILMAN, GUTMAN & DENICK, P. A.
1200 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2914

(301) 385-4000
FAX (301) 385-4070

WRITERS DIRECT DIAL
(410) 385-4027

December 17, 1992

Suzanne Mensh, Clerk
Circuit Court for Baltimore County
County Courts Building
P.O. Box 6754
401 Bosley Avenue
Towson, Maryland 21204-0754

Re: In the Matter of the Application of
Leroy L. Ennis - Thomas J. Hergenroeder, Plaintiff
Case No.: 92-CV-9591-35-102
Subject: Answer of Leroy L. Ennis
Our File No.: 11976(1)

Dear Ms. Mensh:

Enclosed for docketing in the above-captioned case, please file the Answer of Leroy L. Ennis.

I would appreciate your promptly docketing same and entering our appearance on behalf of Leroy L. Ennis.

Should you have any questions, then please do not hesitate to call.

Very truly yours,

Anthony P. Palaigos
Anthony P. Palaigos

APP/cjc
1992 DEC 17

cc: Michael E. Marino, Esquire
The County Board of Appeals
for Baltimore County
Leroy L. Ennis

DINENNA AND BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, PA.
GEORGE A. BRESCHI, PA.

FRANCIS X. BORGERDING, JR.:
21400 MEMBER OF DISTRICT OF
COLUMBIA BAR

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE E.
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

June 10, 1991

RECEIVED
JUN 20 1991

ZONING OFFICE

Re: 9114 Philadelphia Road
Request for Special Hearing

Dear Mr. Commissioner:

On Friday, June 7, 1991, my client called me and indicated to me that his property was posted with a Request for Special Hearing for whatever it may have said.

This is to advise you that my client, the owner of the subject property, is not the Petitioner and therefore, per my discussion with him, and pursuant to my advice, I instructed him to remove the sign from his property.

It is my position that Baltimore County, Maryland, has no right to "trespass" onto my client's property to post a sign for a zoning request that is not the request of the property owner.

This is further to indicate to you that your office has known of my representation of Mr. Hergenroeder in this matter for some five years. I felt it would be incumbent upon your office to contact me and advise me of this Petition being filed wherein this conflict may not have occurred.

Accordingly, the sign is now available at the garage on the subject nonconforming use site and if a member of your staff wishes to pick it up, they are free to do so. Other than that, my client will not deliver same to Baltimore County or to your office and the sign will remain until picked up by your staff.

My client, Mr. Hergenroeder, has indicated to me that the above captioned matter is now set for hearing before you on Wednesday, June 19, 1991 at 9:00 a.m. This is to formally notify you of our objection to this Petition and indicate to you that it is nothing more than harassment by the adjoining neighbor concerning this property.

I would respectfully request that you review all of the files in your office and under your jurisdiction concerning this matter prior to hearing this case.

If you have any questions concerning this position, please advise me.

Very truly yours,

S. ERIC DINENNA
S. ERIC DINENNA

SED:cjc
cc: Mr. Thomas Hergenroeder

DINENNA AND BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, PA.
GEORGE A. BRESCHI, PA.

FRANCIS X. BORGERDING, JR.:
21400 MEMBER OF DISTRICT OF
COLUMBIA BAR

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE E.
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

August 2, 1991

J. Robert Haines
Zoning Commissioner for
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-411-SPH
Petitioner: Leroy L. Ennis
My Client: Thomas Hergenroeder

Dear Commissioner Haines:

I am in receipt of notification of a hearing scheduled for Tuesday, September 24, 1991 at 9:00 a.m. concerning the above-captioned matter.

As you recall, this matter had been previously scheduled before you and upon my Motion that you recuse yourself because you instituted proceedings against my client concerning this property, you did in fact recuse yourself and disqualified yourself from your participation in this matter.

In as much as you have disqualified yourself it appears that only Mr. Timothy Kotroco can hear this matter but unfortunately, I will have to ask that he recuse himself from participation in Mr. Ennis' request in as much as he was the County Attorney representing you in the prosecution of the civil penalties action against my client concerning this property.

I am aware of the dilemma that everyone finds themselves concerning this, but I must insist that Mr. Kotroco not hear this matter.

I would respectfully request a response from your office or the office of Mr. Jablon as to this position.

Very truly yours,
S. ERIC DINENNA
S. ERIC DINENNA

SED:cjc
cc: Mr. Thomas Hergenroeder
Timothy Kotroco, Esquire
Arnold Jablon, Esquire
Anthony P. Palaigos, Esquire

[illegible]

DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM

LIBER 961 FEB 21 1972

APPLICABLE TAXES
 8 AC/F 20.00
 B T TX 200.00
 B RGS 200.00

This Deed, Made This 22ND day of July

in the year one thousand nine hundred and eighty-five by and between
 FRANCIS X. HERGENROTTER, CARLO B. TURCHET and THOMAS JOSEPH HERGENROTTER,

of Baltimore County, State of Maryland, parties of the first part, and
 THOMAS JOSEPH HERGENROTTER, party of the second part.

Witnesseth, That in consideration of the sum of FORTY THOUSAND DOLLARS (\$40,000.00) and other good and valuable considerations, the receipt of which is hereby acknowledged,

the said parties of the first part

do grant and convey to the said party of the second part, it being the intention of the grantors that the said Thomas Joseph Hergenrotter be vested with the entire fee simple estate as described herein, in individually, his

personal representatives assigns and assigns, in fee simple, all those lots of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE FIRST THEREOF, at a point in the center of the Philadelphia Road at or about 240 feet Northeastly from the Eastmost corner of the lot of ground conveyed by Ida M. Weinreich to George Mohr and wife, by Deed dated May 12, 1922 and recorded among the Land Records of Baltimore County in Liber WRC No. 553, folio 382, etc., and running thence North 34-1/2 degrees West 20 feet to a stake now set, thence still North 34-1/2 degrees West 115 feet, thence North 55-1/2 degrees East 60 feet, and then South 34-1/2 degrees East 135 feet to the center of the Philadelphia Road aforesaid, and thence binding on the same South 55-1/2 degrees West 60 feet to the place of beginning.

BEGINNING FOR THE SECOND THEREOF, at a point in the center of the Philadelphia Road at the distance of 408 feet Northeastly from the end of the first or South 41 degrees East 32 foot line of that lot of ground which by Deed dated July 12, 1922 and recorded among the Land Records of Baltimore County in Liber WRC No. 553, folio 382, etc., was conveyed by Ida M. Weinreich to George Mohr and wife, said place of beginning being also at the end of the fourth or south 34-1/2 degrees East 135 foot line of that lot of ground which by Deed dated July 7th, 1924 and recorded among the Land Records aforesaid in Liber WRC No. 648, folio 77 etc., was granted and conveyed by Ida M. Weinreich to Charles W. Schmidt, running thence reversely binding on said line North 34 degrees 30 minutes West 135 feet, thence North 55 degrees 30 minutes East 60 feet, thence South 34 degrees 30 minutes East 135 feet to the center of the Philadelphia Road, running thence binding on the center of the Philadelphia Road South 55 degrees 30 minutes West 50 feet to the place of beginning.

BEGINNING FOR THE THIRD THEREOF, at a point in the center of the Philadelphia Road and at the end of the third or South 34 degrees 30 minutes East 135 foot line of that lot of ground which by Deed dated June 26, 1936 and recorded among the Land Records of Baltimore County in Liber CHB, JR. No. 975, Folio 518, etc., was conveyed by Ida M. Hess and husband to Charles W. Schmidt, running thence reversely binding on said line North 34 degrees 30 minutes West to the end thereof, and continuing the same course in all 250 feet, running thence North 55 degrees 30 minutes East 75 feet, running thence South 34 degrees 30 minutes

Planning & Zoning
 2343/200 + 202

Planning & Zoning
 5186/164 to 164

LIBER 5186 MAR 1972

made this 14 day of April, in the year one thousand nine hundred and eighty-five, by and between KATHA ANN SAUERS is under the Last Will and Testament of said, deceased, of the first part and , Trustee under said will, of the second part, CHARD SAUERS and PATRICIA P. SAUERS, his wife, t, grantees.

parties of the first and second parts, in pursuance of and in execution of the powers contained in the last will and testament of the said Katherine P. Schmidt, which will is on file in the office of the Register of Wills of Baltimore County in wills Liber J.L.D. No. 108 folio 184, have sold unto the parties of the third part the parcels of ground hereinafter described, and

WHEREAS said sale was duly reported to and ratified by the Orphans Court of Baltimore County, as will appear by reference to the estate of said testator filed among the records of said Court in Estate Docket No. 27 folio 176 (Estate No. 26825), and the entire amount of the purchase price has been paid.

Now therefore, this Deed witnesseth, that in consideration of the premises and the sum of Twenty-two Thousand (\$22,000.00) Dollars, receipt whereof is hereby acknowledged, the said parties of the first and second parts, executrix and trustee respectively, in exercise of and pursuant to the powers granted them in the aforesaid will, do hereby grant and convey unto the said Richard Sauers and Patricia P. Sauers, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her heirs and assigns, in fee simple, all those lots or parcels of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the first thereof at a point in the center of the Philadelphia Road at or about 240 feet Northeastly from the Eastmost corner of the lot of ground conveyed by Ida M. Weinreich to George Mohr and wife, by Deed recorded among the Land Records of Baltimore County in Liber W.R.C. No. 553, folio 382 etc., and running thence North 34-1/2 degrees West 20 feet to a stake now set, thence still North 34-1/2 degrees West 115 feet, thence North 55-1/2 degrees East 60 feet,

MBP 2 SSW 18 330.00 ME

Planning & Zoning
 2937/412 to 420

RE: ZONING VIOLATION HEARING
 914 Philadelphia Road
 14th District

BEFORE THE
 DEPUTY ZONING
 COMMISSIONER
 OF
 BALTIMORE COUNTY
 72-11 V. 24-12-12

Mr. Francis Hergenrotter
 914 Philadelphia Road
 Baltimore, Maryland 21237
 Defendant

A complaint has been filed with the Zoning Office concerning an alleged violation of Section 102.1 of the Baltimore County Zoning Regulations on property at the above location. A hearing was held to determine whether a violation exists.

Mr. John Copenspire, Inspector assigned to the Complaints Division of the Department of Permits and Licenses, testified on behalf of Baltimore County. Mr. Copenspire stated that he was only somewhat familiar with the site and that he had visited it approximately ten (10) years ago. He explained that he was filling in for Mr. Fred Myers, the Inspector who originally inspected the site on February 23, 1972, as a result of a letter of complaint dated February 3, 1972.

The letter of complaint was signed by three (3) area residents, Leroy Ennis, 9120 Philadelphia Road, James F. Dodson, 9122 Philadelphia Road and C. Howard Dodson of 9123 Philadelphia Road. The letter describes the property as being used as a private service station and garage in 1971 or 1972, which clearly establishes a non-conforming use on the property. The letter also points out that Mr. Smith, the owner and operator of the garage, had used jacks and chain hoists while working on vehicles. However, after losing the sight of his eye, only minor repairs to auto engines and the repair of snowmowers were performed by him for several years before his death. Since that time, the property has been sold twice and the present owner is now operating a full time garage including hydraulic lifts for major automotive repair.

TRUE COPY 7 TEST
 DEPUTY ZONING COMMISSIONER
 J. ANASTASIOU

DATE 10/12/72
 BY [Signature]
 ORDER RECEIVED FOR FILING



File given
DINENNA AND BRESCHI
ATTORNEYS AT LAW
SUITE 600
1200 MERCANTILE BANK AND TRUST BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820
TELEFAX (301) 296-6884
August 2, 1991
J. Robert Haines
Zoning Commissioner for
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
RE: Case No. 91-411-SPH
Petitioner: Leroy L. Ennis
My Client: Thomas Hergenroeder
Dear Commissioner Haines:
I am in receipt of notification of a hearing scheduled for Tuesday, September 24, 1991 at 9:00 a.m. concerning the above-captioned matter.
As you recall, this matter had been previously scheduled before you and upon my Motion that you recuse yourself because you instituted proceedings against my client concerning this property, you did in fact recuse yourself and disqualified yourself from your participation in this matter.
In as much as you have disqualified yourself it appears that only Mr. Timothy Kotroco can hear this matter but unfortunately, I will have to ask that he recuse himself from participation in Mr. Ennis' request in as much as he was the County Attorney representing you in the prosecution of the civil penalties action against my client concerning this property.
I am aware of the dilemma that everyone finds themselves concerning this, but I must insist that Mr. Kotroco not hear this matter.
I would respectfully request a response from your office or the office of Mr. Jablon as to this position.
Very truly yours,
ERIC DINENNA
cc: Mr. Thomas Hergenroeder
Timothy Kotroco, Esquire
Arnold Jablon, Esquire
Anthony P. Palaigos, Esquire
EXHIBIT A

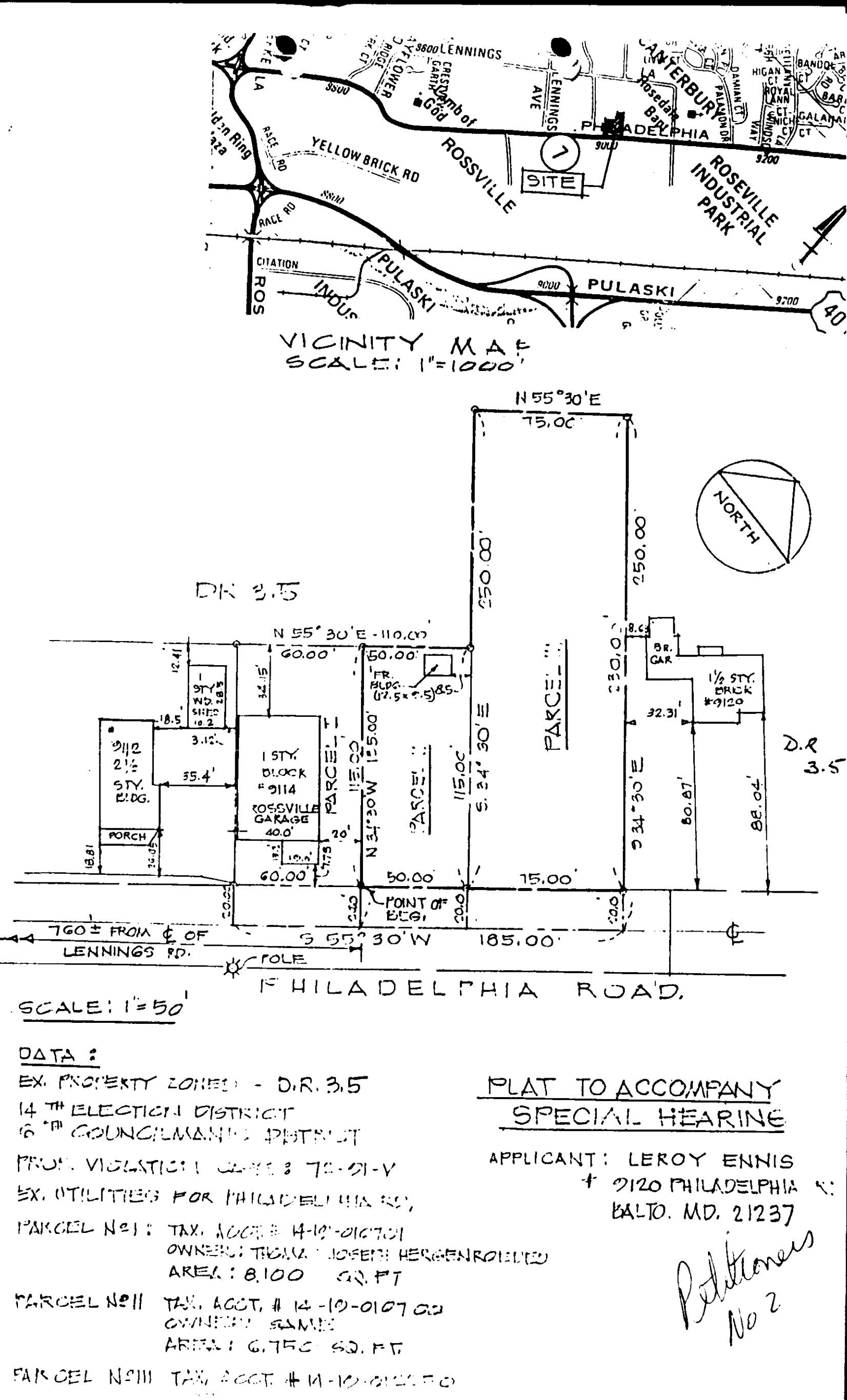
BLUM, YUMKAS, MAILMAN, GUTMAN & DENICK, P.A.
1200 MERCANTILE BANK AND TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2914
(301) 385-4000
FAX (301) 385-4070
WRITER'S DIRECT DIAL
(301) 385-4027
August 27, 1991
RECEIVED
ZONING OFFICE
Arnold Jablon, Director
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Re: Case No. 91-411-SPH
9114 Philadelphia Road
Subject: Response to August 13, 1991 Decision
Our File No. 11976(1)
Dear Mr. Jablon:
I am in receipt of your letter dated August 13, 1991 and I agree with your decision in reference to this particular case. However, rather than waiting for the hearing date scheduled for September 24, 1991 to rule on Mr. Dinenna's Motion, if the Zoning Commissioner's office either through its Commissioner or Deputy Commissioner, is inclined to grant Mr. Dinenna's Motion, then let it be done now so that the case can be referred to the Board of Appeals as suggested in your letter of August 13, 1991. This procedure would save the inconvenience that would be experienced by all parties to appear at the hearing on September 24, 1991 prepared to testify, only to find that Mr. Dinenna's Motion will be granted, thus, wasting everybody's time on that day.
I would appreciate your careful review of this request and should you have any questions, please do not hesitate to call.
Very truly yours,
Anthony P. Palaigos
APP/hp
cc: J. Robert Haines, Zoning Commissioner
Timothy Kotroco, Deputy Zoning Commissioner
S. Eric Dinenna, Esquire
Mr. Leroy L. Ennis
EXHIBIT B

IN RE: PETITION FOR SPECIAL HEARING
NW/S Philadelphia Road, 760
ft. NE of Lennings Lane
(9114-9118 Philadelphia Rd.)
14th Election District
6th Councilmanic District
Leroy L. Ennis
Petitioner
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 91-411-SPH
FINDINGS OF FACT AND CONCLUSIONS OF LAW
This matter comes before the Zoning Commissioner as a Petition for Special Hearing filed by Leroy L. Ennis of 9120 Philadelphia Road. The Petition requests an interpretation of the decision rendered in case No. 72-91-V as to whether parcels II and III, as shown on the submitted site plan to accompany the Petition for Special Hearing, are part of the nonconforming use granted for 9114 Philadelphia Road (parcel I) within that case.
The owner of the subject property, Thomas Hergenroeder, appeared at the hearing and was represented by George Breschi, Esquire. Representing the Petitioner was Anthony P. Palaigos, Esquire.
As referenced above, the case arises before me in a somewhat unusual fashion, in that the Petitioner is not the property owner. Rather, the Petitioner, Leroy L. Ennis, resides immediately next to the subject property. In essence, he seeks an interpretation of a prior zoning decision for the subject property and a clarification of the permissible uses thereon.
An understanding of the subject property is necessary to appreciate the issue before me. Mr. Hergenroeder's property, in its entirety, is actually comprised of three different lots. These are shown on the plat to accompany the special hearing as parcels I, II and III and bear the addresses 9114, 9116 and 9118 Philadelphia Road, respectively. Parcel I is approximately 60

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
May 20, 1992
Anthony P. Palaigos, Esquire
Blum, Yumkas, Mail, Guttman and Denick P.A.
1200 Mercantile Bank and Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201-2914
George A. Breschi, Esquire
Dinenna and Breschi
Suite 600, Mercantile Towson Bldg.
409 Washington Avenue
Towson, Maryland 21204
RE: Petition for Special Hearing
Case No. 91-411-SPH
Leroy L. Ennis, Petitioner
Gentlemen:
Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in part, and denied, in part, in accordance with the attached Order.
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.
Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County
LES:mmm
att:
cc: Ms. Marie Simoes
cc: Ms. Pauline E. Dodson

Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, Maryland 21204
PRESORTED
FIRST-CLASS
Anthony P. Palaigos, Esquire
Blum, Yumkas, Mail, Guttman, etc.
1200 Mercantile Bank and Trust Bldg.
2 Hopkins Plaza
Baltimore, Maryland 21201-2914
U.S. POSTAGE
\$0.46
6142775

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
July 2, 1992 (410) 887-3353
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204
RE: Petition for Special Hearing
NW/S Philadelphia Road, 760 ft. NE of Lennings Lane
(9114-9118 Philadelphia Road)
14th Election District, 6th Councilmanic District
LEROY L. ENNIS - Petitioner
Case No. 91-411-SPH
Dear Board:
Please be advised that an appeal of the above-referenced case was filed in this office on June 26, 1992 by Michael E. Marino, Attorney on behalf of the Respondent. All materials relative to the case are being forwarded herewith.
Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.
Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner
LES:cer
*THIS APPEAL WAS ERRONEOUSLY FILED BEYOND THE 30 DAY PERIOD WHICH WAS MAY 27, 1992 THROUGH JUNE 25, 1992
cc: Leroy L. Ennis - 9120 Philadelphia Road, Balto., MD 21237
Anthony P. Palaigos - Blum, Yumkas, Mailman, Guttman & Denick
1200 Mercantile Bank and Trust Building
2 Hopkins Plaza, Baltimore, Maryland 21201-2914
George A. Breschi, Esquire - Dinenna and Breschi
Suite 600, 409 Washington Avenue, Towson, MD 21204
Michael E. Marino - Levy & Marino, P.A.
609 Bosley Avenue, Towson, Maryland 21204
People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204



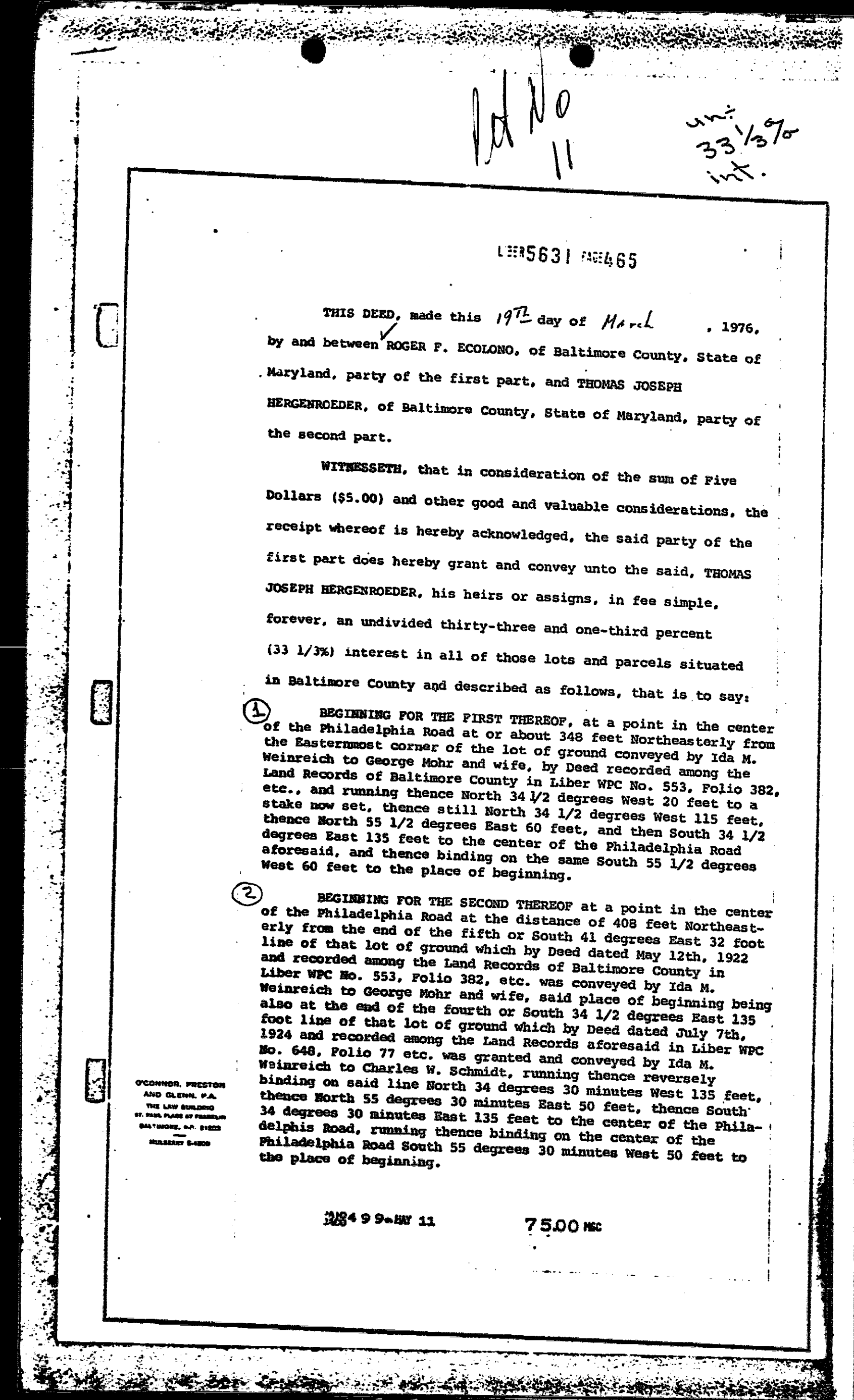
LIBER 5227 PAGE 128
This Deed, Made this 14th day of October
in the year nineteen hundred and seventy-one, by and between
RICHARD SAUERS and PATRICIA P. SAUERS, his wife,
of Baltimore County, In the State of Maryland, of the first part, and
FRANCIS X. HERGENROEDER, DARIO B. TURCHET and ROGER F. SCOLONO, of said County and State,
of the second part.
WITNESSETH, that in consideration of the sum of five dollars and other good and valuable considerations, the receipt of which is hereby acknowledged,
the said parties of the first part
do grant and convey unto the said parties of the second part, as tenants in common, their heirs
and assigns, in fee simple, all that lot or parcel of ground -
situate, lying and being
in the 14th Election District of Baltimore County, and described as follows, that is to say:
1. BEGINNING FOR THE FIRST THEREOF at a point in the center of the Philadelphia Road at or about 348 feet Northeasterly from the Easternmost corner of the lot of ground conveyed by Ida M. Weinreich to George Mohr and wife, by Deed recorded among the Land Records of Baltimore County in Liber WPC No. 553, Folio 382, etc., and running thence North 34 1/4 degrees West 20 feet to a stake now set, thence still North 34 1/4 degrees West 115 feet, thence North 55 1/2 degrees East 60 feet, and thence South 34 1/4 degrees East 135 feet to the center of the Philadelphia Road aforesaid, and thence binding on the same South 55 1/2 degrees West 60 feet to the place of beginning.
2. BEGINNING FOR THE SECOND THEREOF at a point in the center of the Philadelphia Road at the distance of 408 feet Northeasterly from the end of the fifth or South 41 degrees East 32 foot line of that lot of ground which by Deed dated May 12th, 1922 and recorded among the Land Records of Baltimore County in Liber WPC No. 553, Folio 382, etc., was conveyed by Ida M. Weinreich to George Mohr and wife, said place of beginning being also at the end of the fourth or South 34 1/4 degrees East 135 foot line of that lot of ground which by Deed dated July 7th, 1924 and recorded among the Land Records aforesaid in Liber WPC No. 548, Folio 77, etc., was granted and conveyed by Ida M. Weinreich to Charles V. Schmidt, running thence reversely binding on said line North 34 degrees 30 minutes West 135 feet, thence North 55 degrees 30 minutes East 50 feet, thence South 34 degrees 30 minutes East 135 feet to the center of the Philadelphia Road, running thence binding on the center of the Philadelphia Road South 55 degrees 30 minutes East 50 feet to the place of beginning.
42750 MC

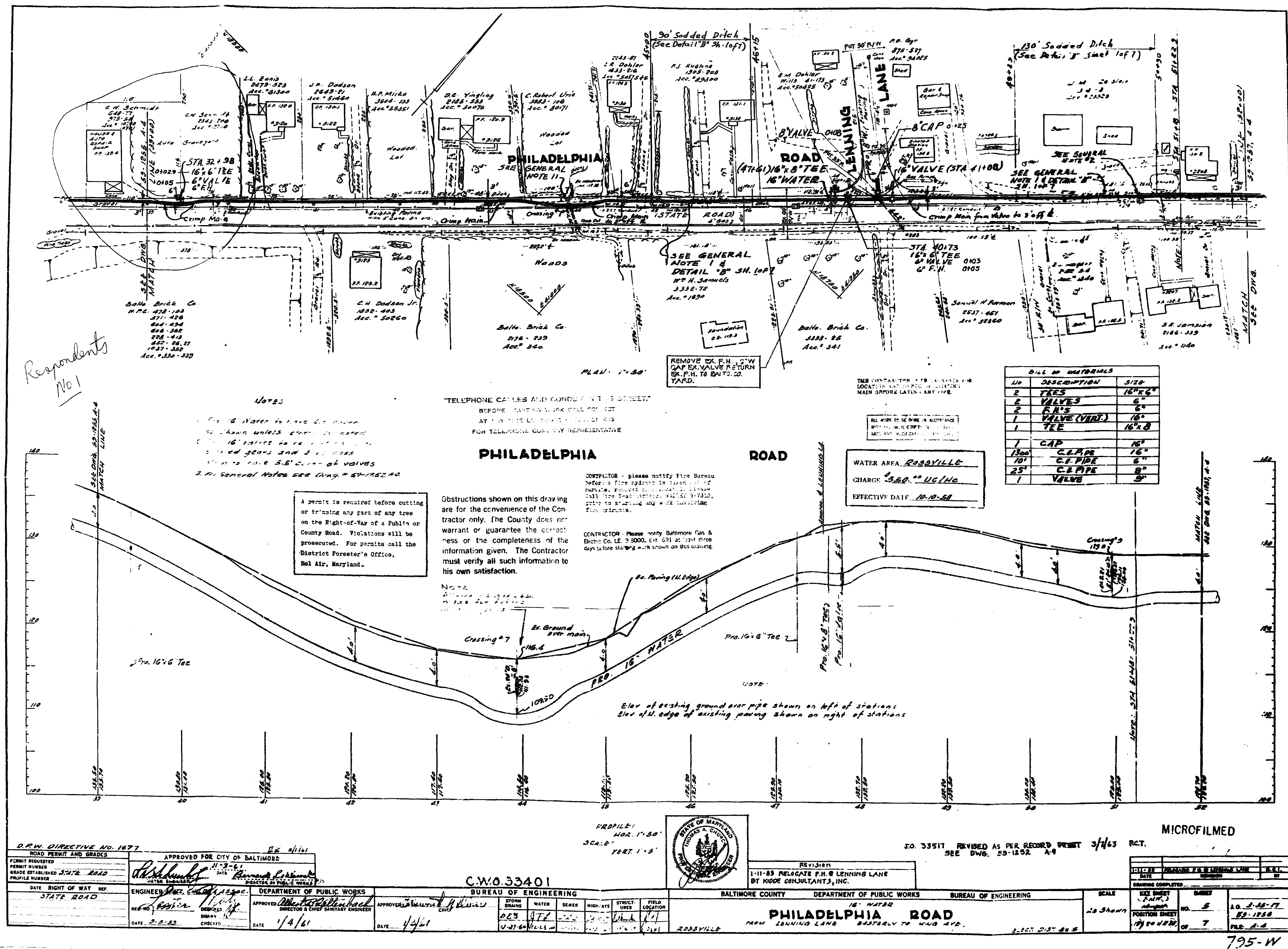
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ADVAI

1970

9:46:32
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9/15/87
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IND DATE 07/29/86		OFFICE OF ASSESSMENTS INQUIRY (1)		TIME 09:45:01		
PROPERTY NO. 14-19-010761	DIST 14	GROUP 5 PH1	CLASS CC	AREA HC	CARD-NO 07739	
HERGEKROEDER THOMAS JOSEPH		09114 PHILADELPHIA RD		F/M DATE 11/08/85		
BALTIMORE MD 21237		PRIMARY DESK. E LT WS PHILADELPHIA RD				
		SUPPLEMENTAL DESC.				
		IMPRV ADDRESS 09114		PHILADELPHIA RD WS		
		NEAREST INTER. 0820 S LENING LA				
		STRUCTURE ...		STATE CODE ..		
LOT	MAP..... 090	FRONT. 60.00	TRANSFER DATE..... 07/29/86			
BLOCK	BLOCK..... 02	RACK..... 60.00	TRANSFER NO..... 024019			
SECTION	PARCEL 00319	SIDE1. 135.00	PURCHASE PRICE		0	
PLAT.....	LIBER..... 6951	SIDE2. 135.00	GROUND RENT.....		0	
BOOK.....	FOLIO..... 0212	FORWARD OWNER. HERGENROEDER FRANCIS X				
FOLIO	SG FT LOT.....	8,100 (M)				
#FULL VALUE*	LAND	IMPRV	PREF-LAND	CURTILAGE	EX LAND	EX IMPRV
CURRENT	25,420	25,850	0	0	0	BLT
PROPOSED	28,100	26,410	0	0	0	
*****BASIS*****						
86/87 ASSESSMT	8510	TAX LAND	TAX IMPRV	ADVAL	EX LAND	EX IMPRV
85/86 ASSESSMT	8411	0	19,860	19,860	0	EX ADVAL
84/85 ASSESSMT	8311	0	17,940			
			16,620			





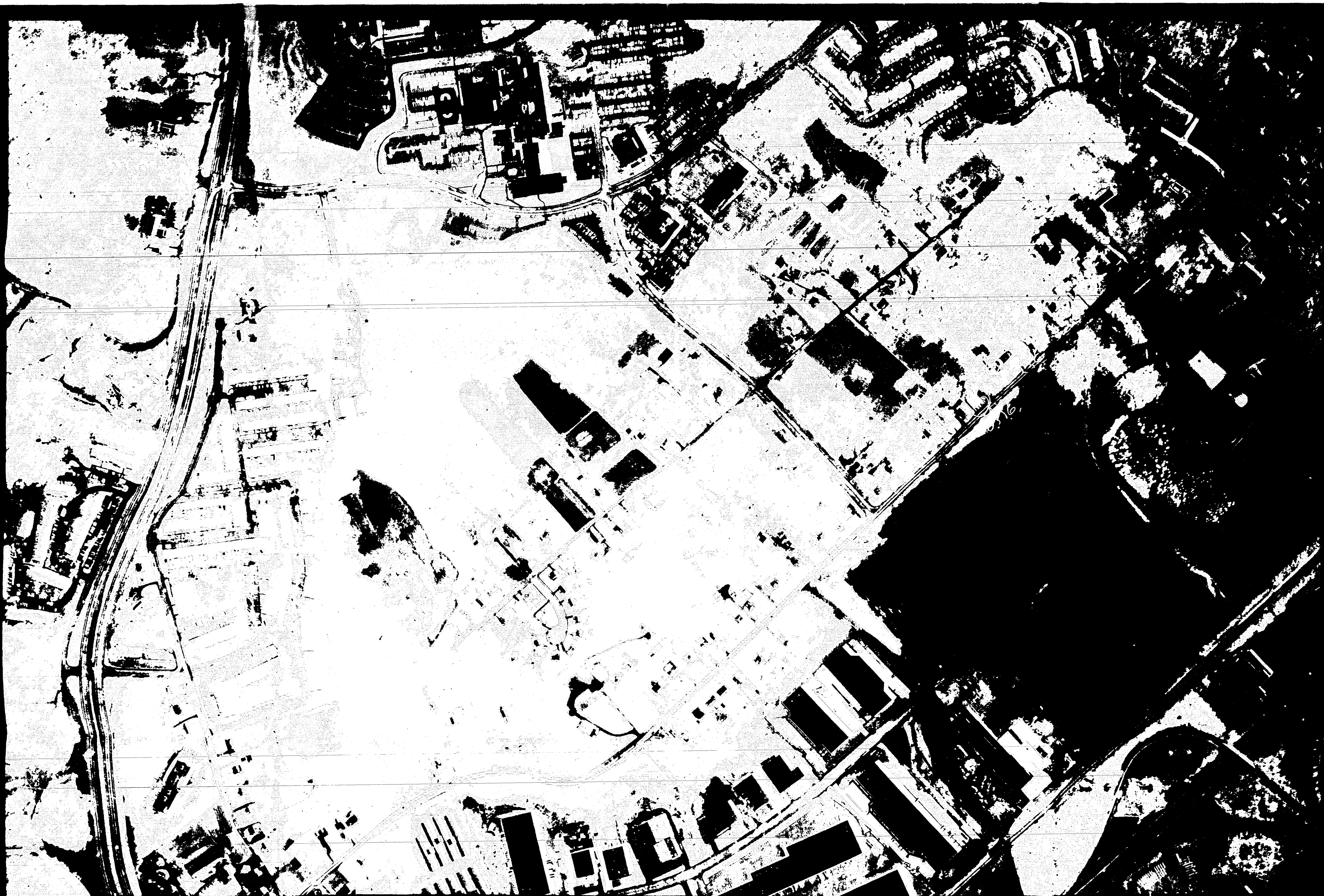
795-W T



I HEREBY CERTIFY that this is
a true copy, taken from the
records in the office of
Baltimore County, Maryland.
Signed this 22 day of Oct 1921

Samuel L. Lott

Petitioner's
No
3



Plot 164

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

I HEREBY CERTIFY that this is
a true copy, taken from the
original on file, of
Baltimore County, Maryland.
Signed this 22 day of Oct 1986
Ramona J. Allen

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ROSSVILLE

SHEET
N.E.
5-6

MTA- 366 E. 1. Cross St. 21201
MTA 366 N. Lexington 21201
MIA 300 W. Lexington 21201
PB/YK 301 N. CHARLES 21201
400 E. 1. Cross St.
300 N. Lexington 21201

received

RJF/lvd

J. James Dieter, Director

JJD:DCF:ju
Attachment
cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell

District: 12th Date of Posting: May 26, 1908

Posted for: William Thompson

Petitioner: William Thompson

Location of property: William Thompson Street, 2212 St. James Ave.

Location of Signs: William Thompson Street, opposite the North
of Thompson Street

Remarks:

Posted by: S. J. Gato Date of return: May 27, 1908

Number of Signs: Seventeen

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein on the property located at the building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 89-010-X
550 Baltimore Street, 12B & C of Georgia Avenue
Baltimore Highlands Station
Baltimore County District
1st Comprehensive
Local Ordinance
Baltimore Gas & Electric
Company, C&D Transportation,
and B&A Railroad
Contract Purchaser:
Baltimore Transit Administration
Hearing Date: Thursday,
June 15, 1991 at 1:30p.m.

Special Exceptions for Baltimore Highlands Light Rail Passenger Station

J. ROBERT HANMER
Zoning Commissioner
Baltimore County
June 14, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 16, 1991.

ARBUTUS TIMES

S. Zehe Oberer
Publisher

TOWSON, MD., May 17, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 16, 1991.

THE JEFFERSONIAN,

S. Zehe Obermayer

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposals identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 95-610-X
Applicant: JAMES E. HARRIS, JR. 128 S.
of George Avenue
Baltimore Highlands Station
Baltimore City District
1st Councilmember's
Legal Counsel:
Baltimore
County CDD Transportation
Division; BSA Railroad
Department
Contact Person:
Mr. James Harris, Jr., Adminis-
trative
Hearing Dates: Tuesday,
June 13, 1995 at 1:00 p.m.

**Special Appearance by Ball-ot Initiative Legal Pull Per-
sonnel Staff**

J. ROBERT HARRIS
Zoning Commissioner
Baltimore County
May 18,

APRIL/MAY 1995

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204


887-3353

DATE: 5/28/91

Mass Transit Administration
300 W. Lexington Street
Baltimore, Maryland 21201-3415

ATTN: CHRISTINE A. WELLS

RE:
Case Number: 91-410-X
E/S Baltimore Street, 125' S of Georgia Avenue
Baltimore Highlands Station
13th Election District - 1st Councilmanic
Legal Owner(s): Baltimore Gas & Electric Company, CSX Transportation; B&A Railroad
Contract Purchaser: Mass Transit Administration

 **Baltimore County**
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-615

receipt

Date _____

Please Make Checks Payable To: Baltimore County

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 8, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-410-X
E/S Baltimore Street, 125' S of Georgia Avenue
Baltimore Highlands Station
13th Election District - 1st Councilmanic
Legal Owner(s): Baltimore Gas & Electric Company, CSX Transportation; B&A Railroad
Contract Purchase: Mass Transit Administration
HEARING: THURSDAY, June 13, 1991 at 1:30 p.m.

Special Exception for Baltimore Highlands Light Rail Passenger Station.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mass Transit Administration/Christine A. Wells/Irwin Brown, Esq.
CSX Transportation
Baltimore Gas & Electric Company
B&A Railroad



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 14, 1992

Michael Marino, Esquire
HALL, LEVY & MARINO, P.A.
Suite 1212
Ten East Baltimore Street
Baltimore, Maryland 21202

Re: Case No. 91-411-SPH (Leroy L. Ennis)

Dear Mr. Marino:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. Thomas J. Hergenroeder



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 14, 1992

Anthony P. Palaigos, Esquire
BLUM, YUMKAS, MAILMAN, GUTMAN
& DENICK, P.A.
1200 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza
Baltimore, Maryland 21201-2914

Re: Case No. 91-411-SPH (Leroy L. Ennis)

Dear Mr. Palaigos:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. Leroy L. Ennis
George A. Breschi, Esquire
P. David Fields
Patrick Keller
Lawrence E. Schmidt
Timothy M. Kotroco
M. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

IN THE MATTER OF THE
APPLICATION OF LEROY L. ENNIS
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE
NORTHWEST SIDE OF
PHILADELPHIA ROAD, 760'
NORTHEAST OF LENNINGS LANE
(9114-9118 PHILADELPHIA ROAD)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 35/102/92 ✓
9591

ORDER FOR APPEAL

Please enter an appeal on behalf of Thomas J. Hergenroeder from the decision of the Baltimore County, Maryland Board of Appeals in this matter dated September 16, 1992.

Michael E. Marino
Michael E. Marino, Esquire
LEVY & MARINO, P.A.
609 Bosley Avenue
Towson, Maryland 21204
(410) 821-6633

Attorney for
Thomas J. Hergenroeder

RECEIVED
COUNTY BOARD OF APPEALS
92 OCT 13 PM 3:35

RECEIVED
COUNTY BOARD OF APPEALS
92 OCT 13 PM 1:00

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of October, 1992, a copy of the foregoing Order for Appeal was mailed, first class mail, postage pre-paid, to Anthony P. Palaigos, Esquire, 1200 Mercantile Bank & Trust Building, Two Hopkins Plaza, Baltimore, Maryland 21201 and William T. Hackett, Chairman, County Board of Appeals of Baltimore County.

Michael E. Marino
Michael E. Marino, Esquire

IN THE MATTER OF THE
APPLICATION OF LEROY L. ENNIS
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE
NORTHWEST SIDE OF
PHILADELPHIA ROAD, 760'
NORTHEAST OF LENNINGS LANE
(9114-9118 PHILADELPHIA ROAD)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. _____

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that on this 13th day of October, 1992, a copy of the Order for Appeal in the captioned matter was served, pursuant to Maryland Rule 1-321, upon the County Board of Appeals of Baltimore County.

Michael E. Marino
Michael E. Marino, Esquire
LEVY & MARINO, P.A.
609 Bosley Avenue
Towson, Maryland 21204
(410) 821-6633

Attorney for
Thomas J. Hergenroeder

IN THE MATTER OF THE APPLICATION
OF LEROY L. ENNIS FOR A SPECIAL
HEARING ON PROPERTY LOCATED ON
THE NORTHWEST SIDE OF PHILADELPHIA
ROAD, 760' NORTHEAST OF LENNINGS
LANE (9114-9118 PHILADELPHIA ROAD)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 91-411-SPH

RULING ON MOTION TO DISMISS

The above entitled matter was heard before this Board on September 16, 1992 on a Motion to Dismiss filed by Leroy L. Ennis. The Board considered arguments of Counsel and finds that the Appeal to this Board was not timely filed in accordance with the Board's Rule 3.c and the appeal is hereby dismissed.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Date: September 16, 1992

William T. Hackett
William T. Hackett, Chairman

Judson E. Lipowitz
Judson E. Lipowitz

Michael E. Sauer
Michael E. Sauer



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 16, 1992

Anthony P. Palaigos, Esquire
Blum, Yumkas, Mailman, Gutman & Denick, P.A.
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201-2914

Re: Case No. 91-411-SPH (Leroy L. Ennis)

Dear Mr. Palaigos:

Enclosed please find a copy of the Ruling on Motion to Dismiss issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Michael E. Marino, Esquire
George A. Breschi, Esquire

IN THE MATTER OF
PETITION FOR SPECIAL HEARING
NW-S PHILADELPHIA ROAD, 760 FT. *
NE OF LENNINGS LANE (9114-9118
PHILADELPHIA ROAD) 14TH ELECTION
DISTRICT, 6TH COUNCILMANIC
DISTRICT

IN THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

LEROY L. ENNIS-PETITIONER
Defendant
Case No. 91-411-SPH

MOTION TO DISMISS

Leroy L. Ennis, Petitioner and Appellee, by his attorneys, Anthony P. Palaigos and Blum, Yumkas, Mailman, Gutman & Denick, P.A., moves to dismiss the appeal taken by Thomas J. Hergenroeder, Respondent, by and through his counsel, Michael E. Marino, on the grounds that the appeal was not timely taken, and in support thereof, says as follows:

1. The matter which is the subject of this case came before the Zoning Commissioner for Baltimore County as a result of a Petition for Special Hearing filed by the Petitioner.
2. A hearing was held before the Zoning Commissioner, Lawrence E. Schmidt, at which time evidence was presented, testimony was given, cross-examination of witnesses was conducted, and legal arguments were made by both the Petitioner and the Respondent, by and through their respective counsel of record at the hearing.
3. The Zoning Commissioner rendered his decision on May 26, 1992, a copy of which is attached hereto as Exhibit 1, and specifically made a part hereof, and notice of that decision was properly sent by the Zoning Commissioner to counsel of record for both the Petitioner and the Respondent. A copy of the notice

letter is attached hereto as Exhibit 2 and specifically made a part hereof, and a copy of the envelope received by the Petitioner's counsel containing this notice letter and Order of the Zoning Commissioner is attached hereto as Exhibit 3, and specifically made a part hereof.

4. The Petitioner's counsel was notified by letter dated July 2, 1992 from the Zoning Commissioner, a copy of which is attached hereto as Exhibit 4, and specifically made a part hereof, that the Respondent, by his new counsel, Michael E. Marino, on June 26, 1992 filed an appeal of the Zoning Commissioner's Order of May 26, 1992, which appeal was filed beyond the thirty day appeal period.

5. The law is quite clear as set forth in Rule 3c of the Rules of Practice and Procedure of the County Board of Appeals, that:

"Unless otherwise provided for by statute, all appeals to the board of appeals, subject to and limited by statutory authority to hear appeals, shall be made within thirty (30) days from the date of the final action appealed."

The authority for the promulgation of the aforementioned rule emanates from the Baltimore County Code, 1988, §1-7; and Article 25A, §5U of the Annotated Code of Maryland.

6. The Order of the Zoning Commissioner in this case was May 26, 1992 and the last day to take an appeal of that decision was June 25, 1992.

7. The use of the word "shall" in the rules of the County Board of Appeals recited in Paragraph 5 of this Motion represents a mandatory time deadline as opposed to a

- 2 -

discretionary deadline. In fact, the appellate courts of this State have frequently stated that the use of the word "shall" indicates that the direction is a "mandatory" one and must be obeyed. People's Council v. Public Service Commission, 52 Md. App. 715 (1982).

8. Clearly, the Respondent, through competent counsel, was late in filing its notice of appeal without any apparent excuse or justification; and without the benefit of any statute, otherwise offering an appeal such as this one, to be taken beyond the thirty day limit; and without any principle of tolling extending the thirty day requirement for the benefit of Respondent.

WHEREFORE, for all of the foregoing reasons, the Petitioner, Leroy L. Ennis, respectfully requests that the County Board of Appeals of Baltimore County dismiss the appeal taken by the Respondent, Thomas J. Hergenroeder.

Respectfully submitted,

Anthony P. Palaigos
Anthony P. Palaigos
Blum, Yumkas, Mailman, Gutman & Denick, P.A.
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201
385-4027
Attorneys for Leroy L. Ennis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 5th day of August, 1992, a copy of the foregoing Motion to Dismiss, together with the proposed Order, was mailed by first class mail, postage prepaid, to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson,

- 3 -

Maryland 21204, Attorney for Respondent; People's Council of Baltimore County, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204; George A. Breschi, Esquire, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, attorney for Respondent.

Anthony P. Palaigos
Anthony P. Palaigos

G:11976001.MD
HRP:080592

- 4 -

LAW OFFICES
BLUM, YUMKAS, MAILMAN, GUTMAN & DENICK, P.A.
1200 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2914

(410) 385-4000
FAX (410) 385-4070

WRITER'S DIRECT DIAL
(801) 385-4027

August 5, 1992

County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of Petition for Special Hearing
NW-S Philadelphia Road, 760 Ft. NE of Lennings
Lane (9114-9118 Philadelphia Road)
Case No. 91-411-SPH
Subject: Motion to Dismiss
Our File No. 11976(1)

To the Honorable Members of the County Board of Appeals of Baltimore County:

Enclosed please find the Petitioner's Motion to Dismiss, Request for Hearing and proposed Order to be docketed in the above captioned case.

I would appreciate your scheduling a hearing on this Motion to Dismiss at the first earliest date available, in advance of any hearing to be scheduled on the merits of this appeal.

The reason that I request such a hearing in advance of any such hearing on the merits is that the merits will require a substantial amount of time to present, which will be unnecessary if you grant this Motion to Dismiss.

Should you have any questions, please do not hesitate to call.

Very truly yours,
Anthony P. Palaigos
Anthony P. Palaigos

APP/hp
Enclosure

cc: Michael E. Marino, Esq.
People's Council of Baltimore County
George A. Breschi, Esq.
Leroy L. Ennis

IN THE MATTER OF
PETITION FOR SPECIAL HEARING
NW-S PHILADELPHIA ROAD, 760 FT.
NE OF LENNINGS LANE (9114-9118
PHILADELPHIA ROAD) 14TH ELECTION
DISTRICT, 6TH COUNCILMANIC
DISTRICT

LEROY L. ENNIS-PETITIONER

Defendant * * * Case No. 91-411-SPH

ORDER

Upon review of the Petitioner's Motion to Dismiss and the response to that Motion to Dismiss by Respondent, it is this ____ day of _____, 1992,

ORDERED, that the Petitioner's Motion to Dismiss is granted.

G:11976001.OR
HRP:080592

IN THE MATTER OF
PETITION FOR SPECIAL HEARING
NW-S PHILADELPHIA ROAD, 760 FT.
NE OF LENNINGS LANE (9114-9118
PHILADELPHIA ROAD) 14TH ELECTION
DISTRICT, 6TH COUNCILMANIC
DISTRICT

LEROY L. ENNIS-PETITIONER

Defendant * * * Case No. 91-411-SPH

REQUEST FOR HEARING

Leroy L. Ennis, Petitioner and Appellee, by his attorneys, Anthony P. Palaigos and Blum, Yumkas, Mailman, Gutman & Denick, P.A., respectfully requests a hearing on his Motion to Dismiss.

Respectfully submitted,

Anthony P. Palaigos
Anthony P. Palaigos
Blum, Yumkas, Mailman, Gutman & Denick, P.A.
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201
385-4027
Attorneys for Leroy L. Ennis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 5th day of August, 1992, a copy of the foregoing Request for Hearing, was mailed by first class mail, postage prepaid, to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, Maryland 21204, Attorney for Respondent; People's Council of Baltimore County, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204; George A. Breschi, Esquire, Suite 600, 409 Washington Avenue, Towson, Maryland 21204, attorney for Respondent.

Anthony P. Palaigos
Anthony P. Palaigos

G:11976001.RH
HRP:080592

IN RE: * * * BEFORE THE
PETITION FOR SPECIAL HEARING * * * ZONING COMMISSIONER
NW/S Philadelphia Road, 760 * * *
ft. NE of Lennings Lane * * * OF
(9114-9118 Philadelphia Rd.) * * * BALTIMORE COUNTY
14th Election District * * *
6th Councilmanic District * * * Case No. 91-411-SPH

Leroy L. Ennis
Petitioner

ORDER FOR APPEAL

Please enter an appeal on behalf of the Respondent, property owner, Thomas Hergenroeder, from the decision of the Zoning Commissioner dated May 26, 1992, wherein the Zoning Commissioner denied the Respondent non-conforming use of Parcel III (9118 Philadelphia Road), more fully described in the proceedings.

Michael E. Marino
Michael E. Marino
Levy & Marino, P.A.
609 Bosley Avenue
Towson, Maryland 21204
(410) 821-6633

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 26 day of June, 1992, a copy of the foregoing Order of Appeal was mailed postage pre-paid to Anthony P. Palaigos, Esquire, Blum, Yumkas, Mailman, Gullman, and Denick, P.A., 1200 Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201-2914.

Michael E. Marino
Michael E. Marino

65412004/17/92

IN RE: PETITION FOR SPECIAL HEARING * * * BEFORE THE
NW/S Philadelphia Road, 760 * * * ZONING COMMISSIONER
ft. NE of Lennings Lane * * *
(9114-9118 Philadelphia Rd.) * * * OF BALTIMORE COUNTY
14th Election District * * *
6th Councilmanic District * * * Case # 91-411-SPH

Leroy L. Ennis
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing filed by Leroy L. Ennis of 9120 Philadelphia Road. The Petition requests an interpretation of the decision rendered in case No. 72-31-V as to whether parcels II and III, as shown on the submitted site plan to accompany the Petition for Special Hearing, are part of the nonconforming use granted for 9114 Philadelphia Road (parcel I) within that case.

The owner of the subject property, Thomas Hergenroeder, appeared at the hearing and was represented by George Breschi, Esquire. Representing the Petitioner was Anthony P. Palaigos, Esquire.

As referenced above, the case arises before me in a somewhat unusual fashion, in that the Petitioner is not the property owner. Rather, the Petitioner, Leroy L. Ennis, resides immediately next to the subject property. In essence, he seeks an interpretation of a prior zoning decision for the subject property and a clarification of the permissible uses thereon.

An understanding of the subject property is necessary to appreciate the issue before me. Mr. Hergenroeder's property, in its entirety, is actually comprised of three different lots. These are shown on the plat to accompany the special hearing as parcels I, II and III and bear the addresses 9114, 9116 and 9118 Philadelphia Road, respectively. Parcel I is approximately 60

ORDER RECEIVED FOR FILING
Date *8/5/92*
By *Mr. Ennis*

ft. wide by 115 ft. deep and is improved with a one story block building known as the Rosville Garage. Currently, the garage is leased by Mr. Hergenroeder and operated by Kenneth Hammer. Parcel II is unimproved but for a parking surface of crushed stone which supports the garage at 9114 and a small frame building on the rear of the lot. It is slightly narrower (50 ft.) than parcel I, but is also 115 ft. deep. Parcel III is wider (75 ft.) and deeper (250 ft.) than the other lots and is also unimproved but for crushed stone parking area. It is this parcel which is immediately adjacent to Mr. Ennis' property. Further, although all mail for the three lots is delivered to 9114 Philadelphia Road and they are used in conjunction with one another, it is clear that the entire tract is comprised of three different lots and is not one property. The evidence presented shows that the lots are taxed as different parcels and, in fact, referred in the deeds to the tract as three distinct lots.

An understanding of the history of the properties is also significant. Parcel No. 1, 9114 Philadelphia Road, has been used as a service garage for some time. It was originally operated in this fashion by a Mr. Schmidt. Subsequently, Mr. Schmidt sold the parcels to Mr. Hergenroeder and his family. At the time of the sale, Mr. Hergenroeder became the sole owner of the property. He has operated the service garage business thereon, or leased that use, since approximately 1972.

From a zoning perspective, the history of the parcels is likewise germane to the case before me. The matter originally came in before then Deputy Zoning Commissioner, James E. Dyer, in 1972 under case No. 12-91-V. A copy of Deputy Commissioner Dyer's opinion was submitted in evidence in the instant case. That opinion treated the use of the service garage as a nonconforming use. Deputy stated, the question pre-

sented today is whether Deputy Commissioner Dyer's opinion permitting a service garage was restricted to parcel I, only, or whether parcels II and/or III also enjoy a nonconforming use.

Further, this issue was subsequently the subject of an informal discussion within the Zoning Office in 1986. At that time, Mr. Hergenroeder's counsel, S. Eric DiMenna, conferred with then Zoning Commissioner, Arnold Jablon, and members of the zoning staff for a clarification of the extent of the nonconforming use. Although there was no public hearing and, therefore, no Order, a confirmatory letter dated October 29, 1986 was issued from from Zoning Coordinator, James H. Thompson, that parcels II and III enjoyed a nonconforming use per case No. 79-91-V. Lastly, the property was also the subject of a violation proceeding in 1987-88. Although there was little documentary evidence offered at the hearing before me, regarding the violation proceeding, apparently, the subject of that case included the operation of a towing business on site, as well as whether an auto body repair business was permitted. Testimony was offered that, although a violation was found, the District Court's opinion was subsequently appealed to the Circuit Court and the matter dismissed before any final disposition was obtained.

Although the above recitation of the zoning history and physical appearance of the lot seems agreed and uncontradicted by the parties, the historical use of the parcels is disputed. Mr. Hergenroeder testified that parcels II and III were actively used to support service garage use since prior to 1972. He specifically testified that automobiles have been stored on parcels II and III since before that time. Further, the current operator, Mr. Hammer, who has been familiar with the property since the late 1970s, echoed Mr. Hergenroeder's testimony. He, likewise, opined that the entire tract, in-

cluding parcels II and III, has been used in support of the service garage business for many years.

Testimony from the Petitioner and his witnesses was quite different. Mr. Ennis testified that he has lived on his property since December of 1955. He has been actively involved in the zoning disputes, as described above, for many years. He testified that he participated in the 1972 zoning hearing and, at that time, the only property used to support the service garage business was 9114 Philadelphia Road (parcel I). Further, the witness testified that, in the early 1970s, parcels II and III were tree covered and not used for business purposes at all. Mr. Ennis further testified that on July 16, 1986, Mr. Hergenroeder began clearing trees on parcels II and III. Later, in early 1987, a fence was constructed around those parcels and storage of automobiles began. Since July of 1986, parcels II and III have been continuously used as a storage lot. Other witnesses, in support of the Petition, including Pauline Dodson of 9122 Philadelphia Road and Marie Simoes of the Nottingham Improvement Association, echoed Mr. Ennis' testimony and object to what they perceive as the expansion of the service garage business on the Hergenroeder property.

In order to address the Petition presented and determine the proper use of the property, two issues must be addressed. These issues will be presented and addressed in turn.

1. Which of the subject parcels is legitimately nonconforming and has been used continuously and uninterruptedly since 1972 as a service garage, pursuant to the Order of Deputy Zoning Commissioner, James E. Dyer, dated September 18, 1972? Clearly, parcel I (9114 Philadelphia Road) is a lawful and legitimate nonconforming use and the service garage use may continue thereon. If nothing else is clear, it is certain that parcel I was the

subject of the Petition for Special Hearing in 1972. The garage was existing at that time and the testimony is clear that the business has operated on that parcel continuously since that date. Thus, parcel I is a legitimate nonconforming use.

In evaluating whether parcel II is nonconforming, much reliance must be given to the photographic evidence submitted at the hearing as well as the site plans. Insofar as the plans, it is to be noted that there exists only a 20 ft. distance from the garage building to the property line. Logically, it would follow that this small area is insufficient in size to support the parking needs for the garage use since business operations began. Further, in reviewing the photographic evidence offered, specifically Petitioner's Exhibit No. 9, an aerial photo of the subject locale taken in May of 1984, is apparent that a significant portion of parcel II was used as a parking lot to support the service garage. Although distances are difficult to measure in the photograph, there is clearly a significant parking area immediately adjacent to the one story block building. This parking area obviously intrudes well into parcel II. Therefore, it must be concluded that parcel II is also a portion of the nonconforming use and thus may continue to be used in association with the service garage.

As to parcel III, a different result is reached. Again, consideration must be given to the photographic evidence, testimony of the witnesses and documentary evidence, as offered. Mr. Ennis remembers quite clearly that significant trees were felled and the parking area expanded in July of 1986. This is entirely consistent with the May 1984 photograph, which shows a significant line of trees between the Ennis and Hergenroeder properties. Again, although distances are difficult to gauge in reviewing the photograph, it seems apparent that parcel III was not used in connection with the

Although the case enunciates the standards which Mr. Hergenroeder argues, it should be noted that there must be some detrimental reliance upon a County action for the property owner to assert estoppel. In this case, however, there is clearly none.

The testimony of Mr. Ennis is germane and quite exact. He testified that parcel III was tree covered and that the clearing of same began on July 16, 1986. Thus, it is clear that Mr. Hergenroeder began using parcel III in support of his business no later than that date. Further, however, it is to be noted that Mr. Jablon's meeting occurred on August 29, 1986 and, as indicated heretofore, Mr. Thompson's letter is dated October 29th of that year.

From these dates, it can be concluded that Mr. Hergenroeder did not seek an interpretation of the 1972 Order first, and act subsequently based on that interpretation. Rather, he expanded his operation first, and then sought forgiveness of his action. Although forgiveness was forthcoming by way of Mr. Thompson's letter of October 29, 1986, I do not believe that this scenario supports a basis of equitable estoppel. Further, as noted above, I find, as fact, that parcel III was not used as part of the service garage when Deputy Commissioner Dyer's opinion was ordered in 1972.

For the foregoing reasons, I shall grant the Petition for Special Hearing, in part, and deny same, in part. Further, my Order will provide that there shall be no expansion of the nonconforming use into parcel III, in that said lot is a unique and identifiable parcel and the nonconforming use should not be permitted thereon.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of May, 1992 that, pursuant to the findings above, permission to use the nonconforming service garage on parcels I and II (9114 and 9116 Philadelphia Road) be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that permission to use the nonconforming use on parcel III (9118 Philadelphia Road) be and is hereby DENIED, and,

IT IS FURTHER ORDERED that there shall be no expansion of the service garage business operated on parcels I and II to parcel III.

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
Zoning Commissioner for
Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 115 Courthouse
400 Washington Avenue
Towson MD 21204

(410) 887-4386

May 20, 1992

Anthony P. Palaigos, Esquire
Blair, Yunkas, Mail, Guttman and Denick P.A.
1100 Mercantile Bank and Trust Building
1 Hopkins Plaza
Baltimore, Maryland 21201-2914

George A. Breschi, Esquire
DiMenna and Breschi
Suite 600, Mercantile Tower Bldg.
409 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 91-411-SPH
Leroy L. Ennis, Petitioner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in part, and denied, in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:mmm

cc: Ms. Marie Simoes
cc: Ms. Pauline E. Dodson

BALTIMORE COUNTY, MARYLAND
91-410-X
SUBJECT: COUNTY REVIEW GROUP COMMENTS
CRG DATE: 4/25/91
(Continued from 9/6/90 & 1/17/91)
PRE-CRG DATE: 4/15/91
FROM: ZONING OFFICE
PROJECT NAME: Maryland Mass Transit Administration
Light Rail Line (Location #7)
Baltimore Highlands Rail Passenger Station
Item # 345 4/15/91
LOCATION: BSA R/R R/W between
Florida and Georgia Avenue,
E to Baltimore Street
REV.: 4/19/91
REV.:
DISTRICT: 13c1
REVISD PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG
APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The second revised plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify obvious conflicts with the Baltimore County Zoning Regulations, and details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer, or developer's engineer to rectify all conflicts well in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning conflicts must be identified conspicuously on the plan print and in the notes under "Zoning Public Hearing Request". When a public hearing is requested, the assistance received at the time of filing zoning petitions and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of any public hearing requests.

On 8/13/90, County Council Bill #91-90 became effective adding to and amending the B.C.Z.R. and Section 22-26(d), Baltimore County Code "Planning, Zoning and Subdivision Control" relating to Transit Facilities. Plans for seven locations for improvements along the proposed Central Light Rail Line in Baltimore County were first submitted for review at the 9/6/90 C.R.G. meeting. All locations were continued to a future date. The six Rail Passenger Stations (R.P.S.) inclusive of one transit facility and one exclusive Transit Facility (T.F.), by definition, have been reviewed for compliance with the B.C.Z.R. including this newly effective legislation. The use submitted for review is defined as follows:

RAIL PASSENGER STATION: A FACILITY DESIGNED AS A PLACE FOR BOARDING AND ALIGHTING FROM RAIL PASSENGER VEHICLES. A RAIL PASSENGER STATION MAY INCLUDE SUCH FACILITIES AS BUS BAYS, PARKING AREAS OR TAXICAB STANDS AS ACCESSORY USES.

(over)

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21201
887-3353
May 24, 1991

Irwin Brown, Esquire
300 W. Lexington Street
Baltimore, MD 21201-3415

RE: Item No. 395, Case No. 91-410-X
Petitioner: B & A Railroad, et al
Petition for Special Exception

Dear Mr. Brown:

The Zoning Plans Advisory Committee has reviewed the plans submitted at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINARSKI IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Christine A. Wells
Mass Transit Administration
300 W. Lexington Street
Baltimore, MD 21201-3415

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21201
887-3353

Your petition has been received and accepted for filing this
1st day of May, 1991.

J. Robert Haines
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Baltimore Gas & Electric, et al

Petitioner's Attorney: Irwin Brown

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
(301) 887-4500
MAY 1, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: B & A RAILROAD AND
CSX TRANSPORTATION, INC.

Location: BALTIMORE HIGHLANDS STATION

Item No.: 395 Zoning Agenda: APRIL 30, 1991

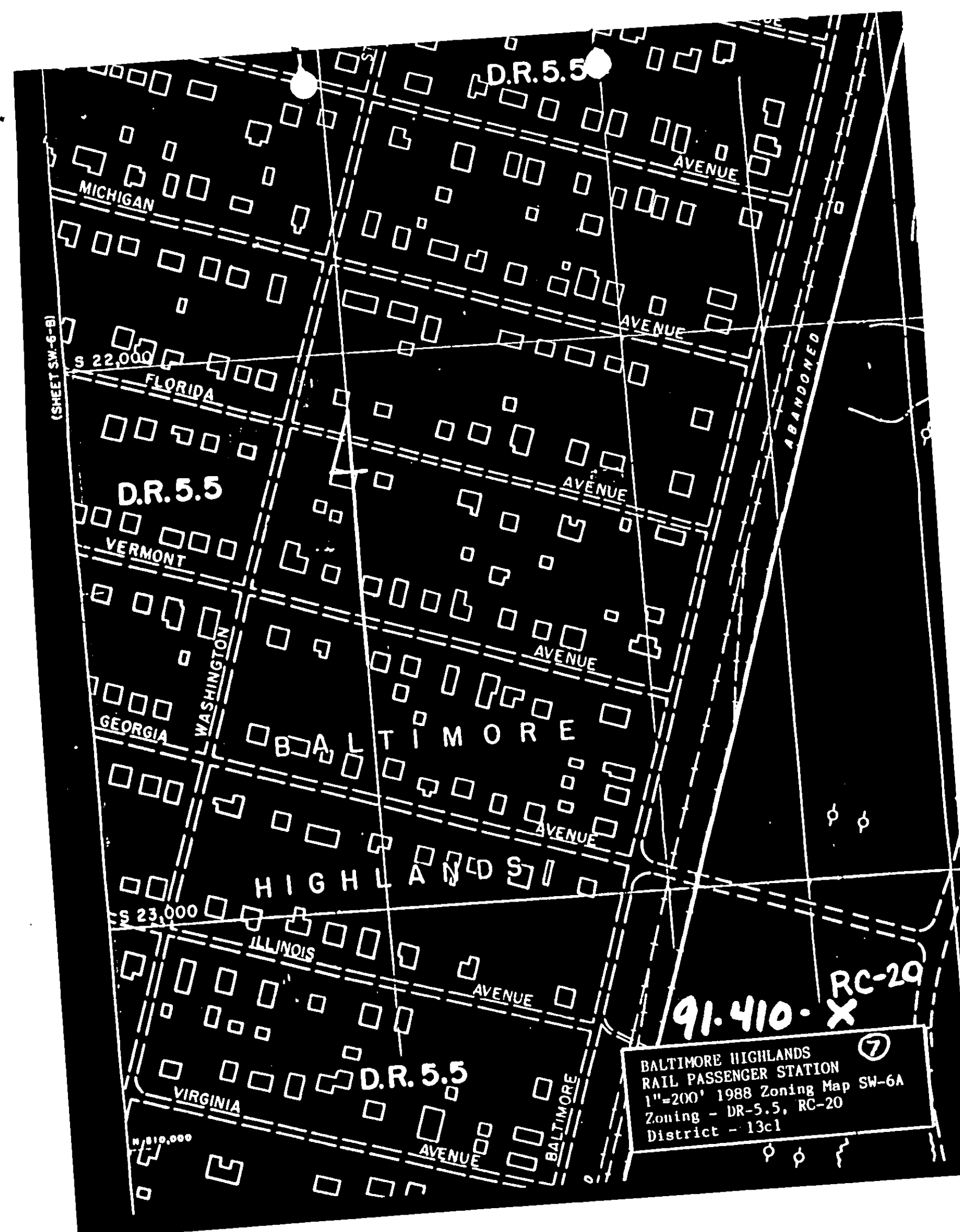
Gentlemen:

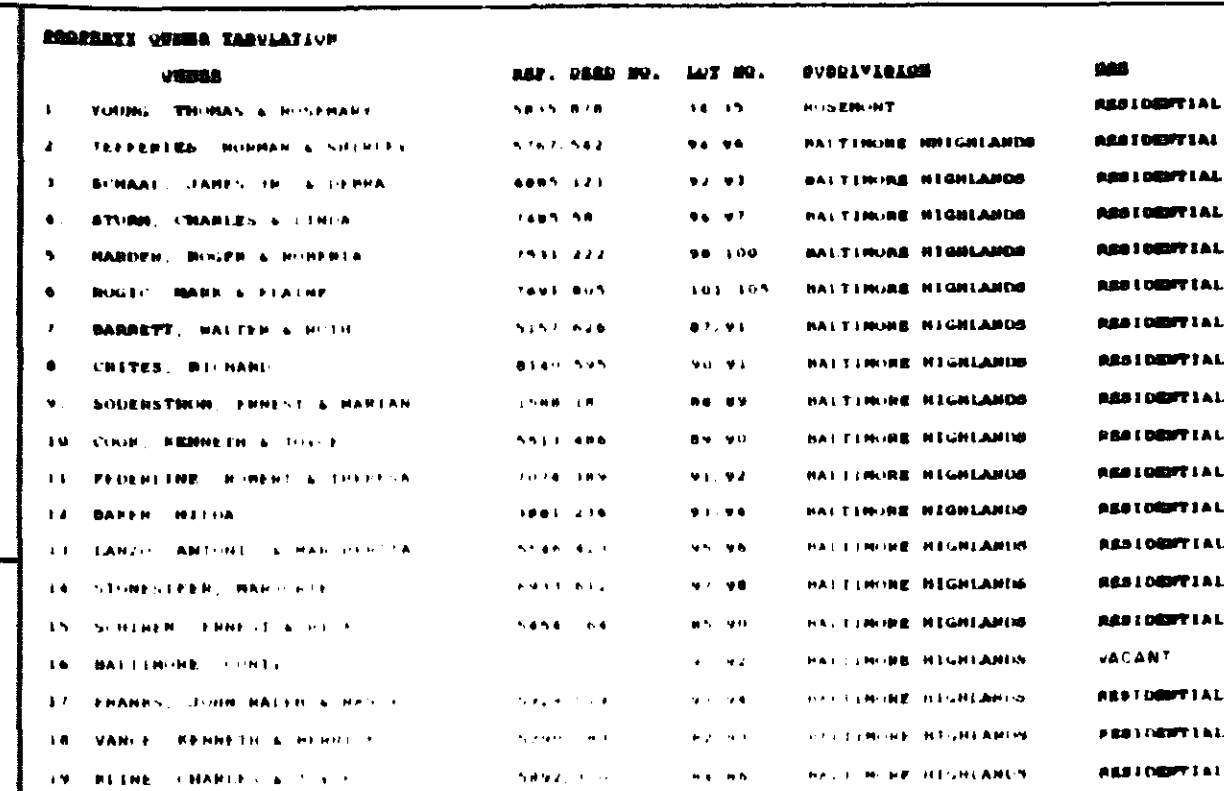
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK





SOUTHWEST AREA PARK

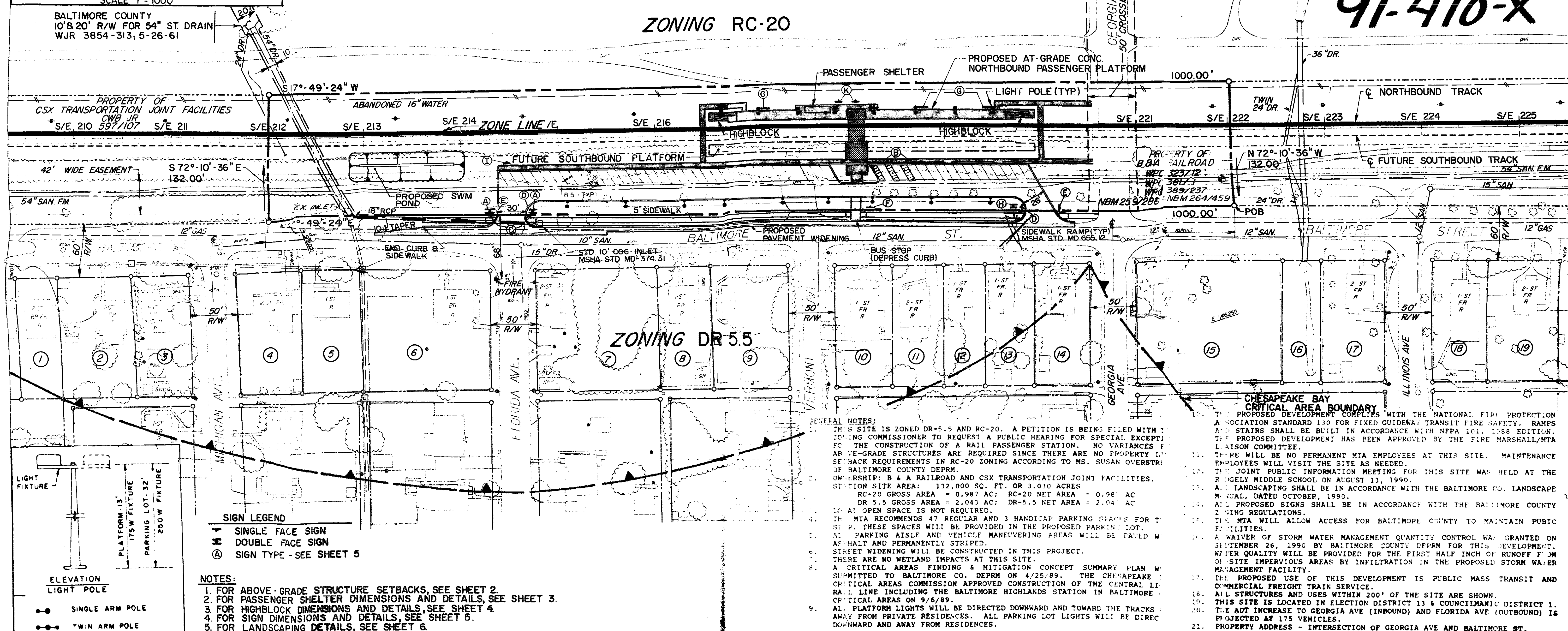
PROPERTY OF
BALTIMORE GAS & ELECTRIC CO
PUBLIC UTILITY

**PETITIONER'S
EXHIBIT 1**

SUMMARY OF NEW SIGNS				
SYMBOL	QUANTITY	SIZE	NUMBER	LEGEND
A		36" x 36"	100	STOP
B	3	36" x 24"	100	HANDICAP (SYMBOL)
C		36" x 36"	100	DO NOT ENTER
D	2	36" x 24"	100	ONE WAY (SYMBOL)
E		36" x 24"	100	ONE WAY (SYMBOL)
F	1	SEE SHEET 5 FOR SIGN SIZE AND TYPE		
G	3	"	"	"
H	1	"	"	"
I	1	"	"	"
K	2	"	"	"

91-410-X

ZONING RC-20



PARSONS BRINCKERHOFF OUADE & DOUGLAS, INC
MORRISON - KNUDSEN ENGINEERS, INC
CONSULTING ENGINEERS

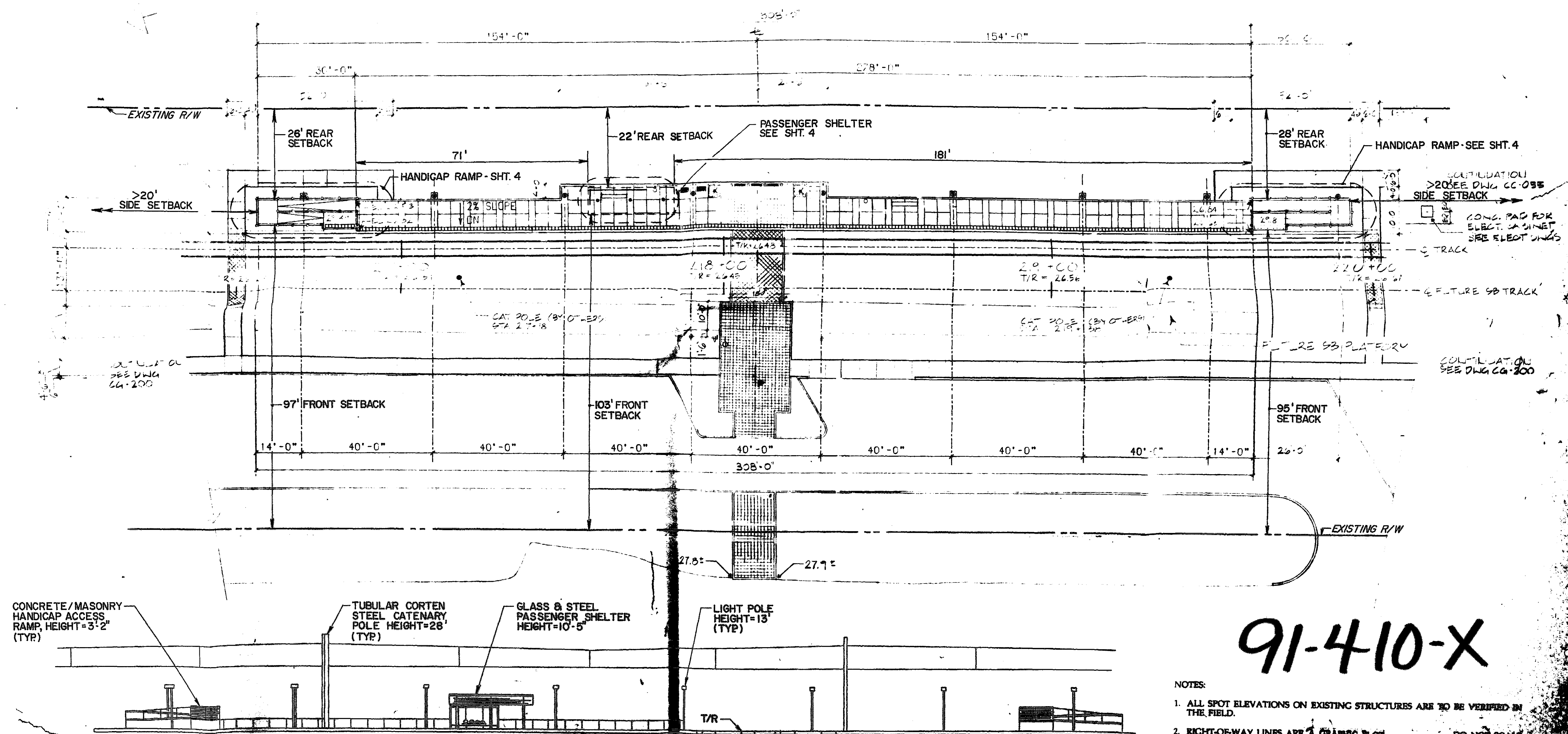
DESIGNED RAB	DATE 4-15-9
DRAWN DVW	APPROVED
CHECKED	APPROVED

PLAN TO ACCOMPANY ZONING PETITION FOR
SPECIAL EXCEPTION FOR THE
BALTIMORE HIGHLANDS
RAIL PASSENGER STATION

CURRENT PLANNING CRG NO:	<u>XIII</u> - 141
PUBLIC SERVICES CRG NO:	90361
SHEET NO.	1 OF 8

CRITICAL AREA

PETITIONER'S EXHIBIT 2



91-410-X

NOTES:

1. ALL SPOT ELEVATIONS ON EXISTING STRUCTURES ARE TO BE VERIFIED IN THE FIELD.
2. RIGHT-OF-WAY LINES ARE A GRAPHIC ONLY. SEE SITE PLAN FOR RIGHT-OF-WAY LOCATION. DO NOT SCALE.

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION
MASS TRANSIT ADMINISTRATION

CENTRAL LIGHT RAIL LINE

PARSONS, BRINCKERHOFF, OUADE & DOUGLAS, INC.
MORRISON - KNUDSEN ENGINEERS, INC.
CONSULTING ENGINEERS

CHO, WILKS & BENN ARCHITECTS, INC.
210 WEST SARATOGA STREET
BALTIMORE, MARYLAND 21201

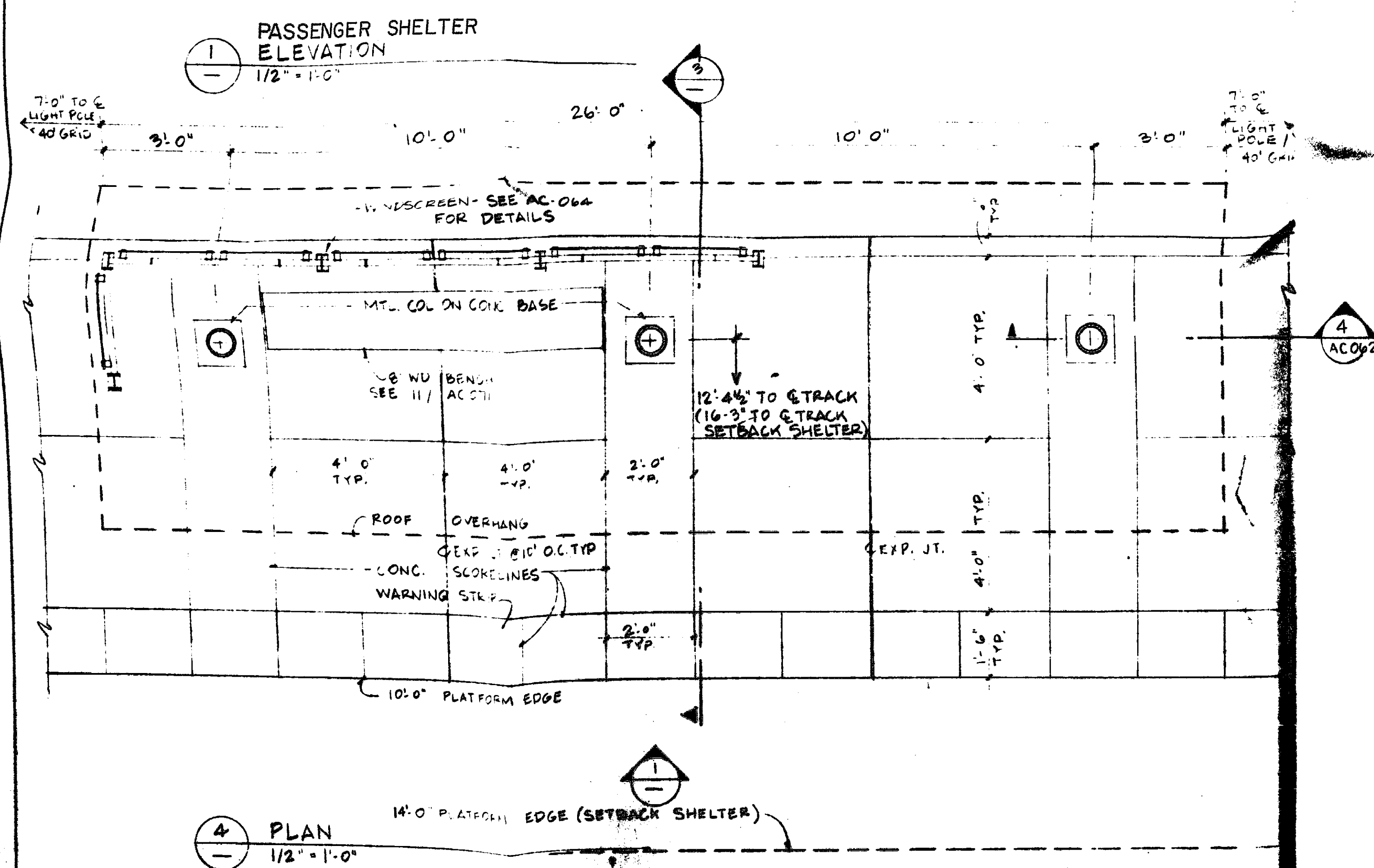
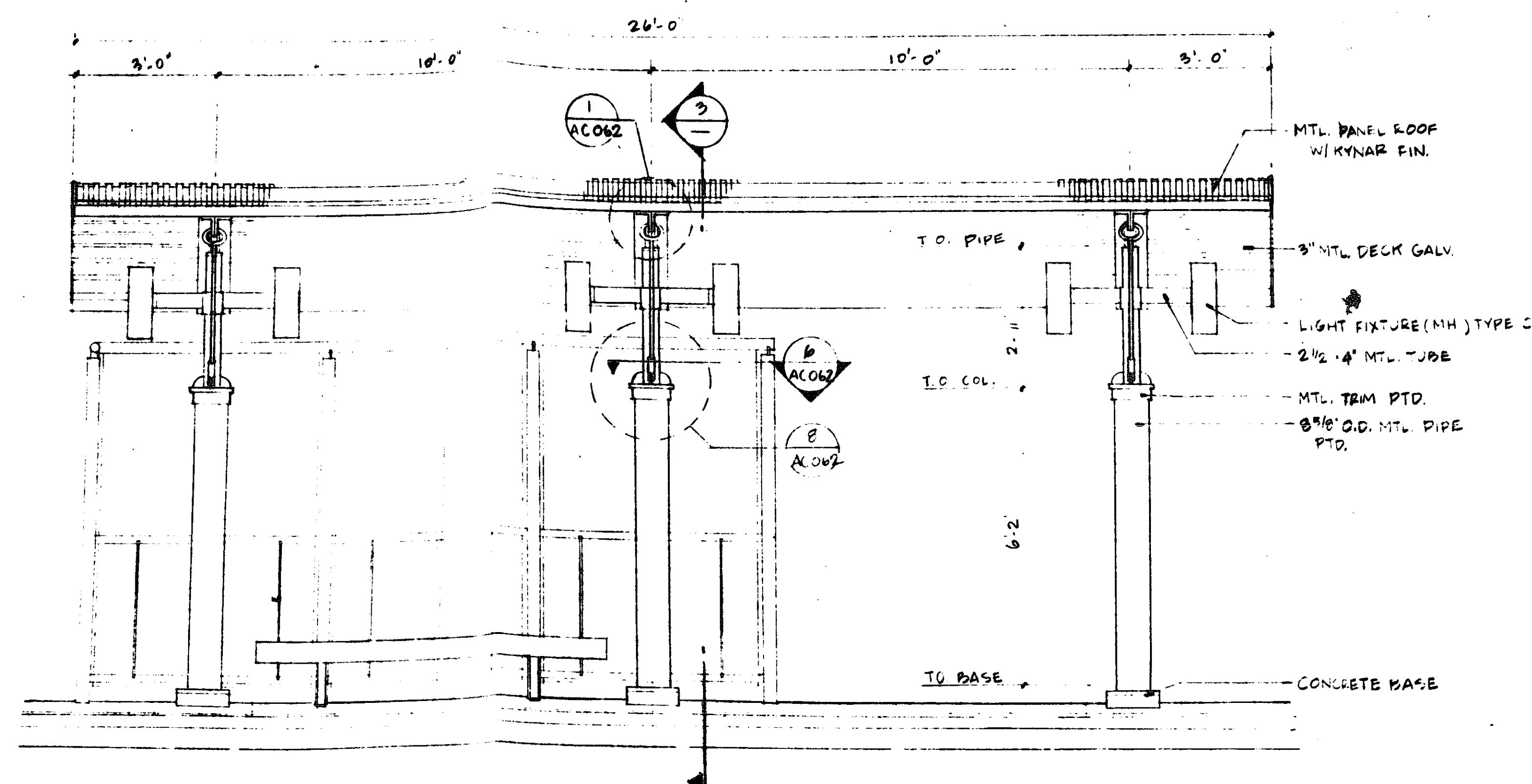
NO.	DESCRIPTION	BY	DATE

DESIGNED	CWB	DATE	4-15-91
DRAWN	L.N.G.	APPROVED	
CHECKED		APPROVED	

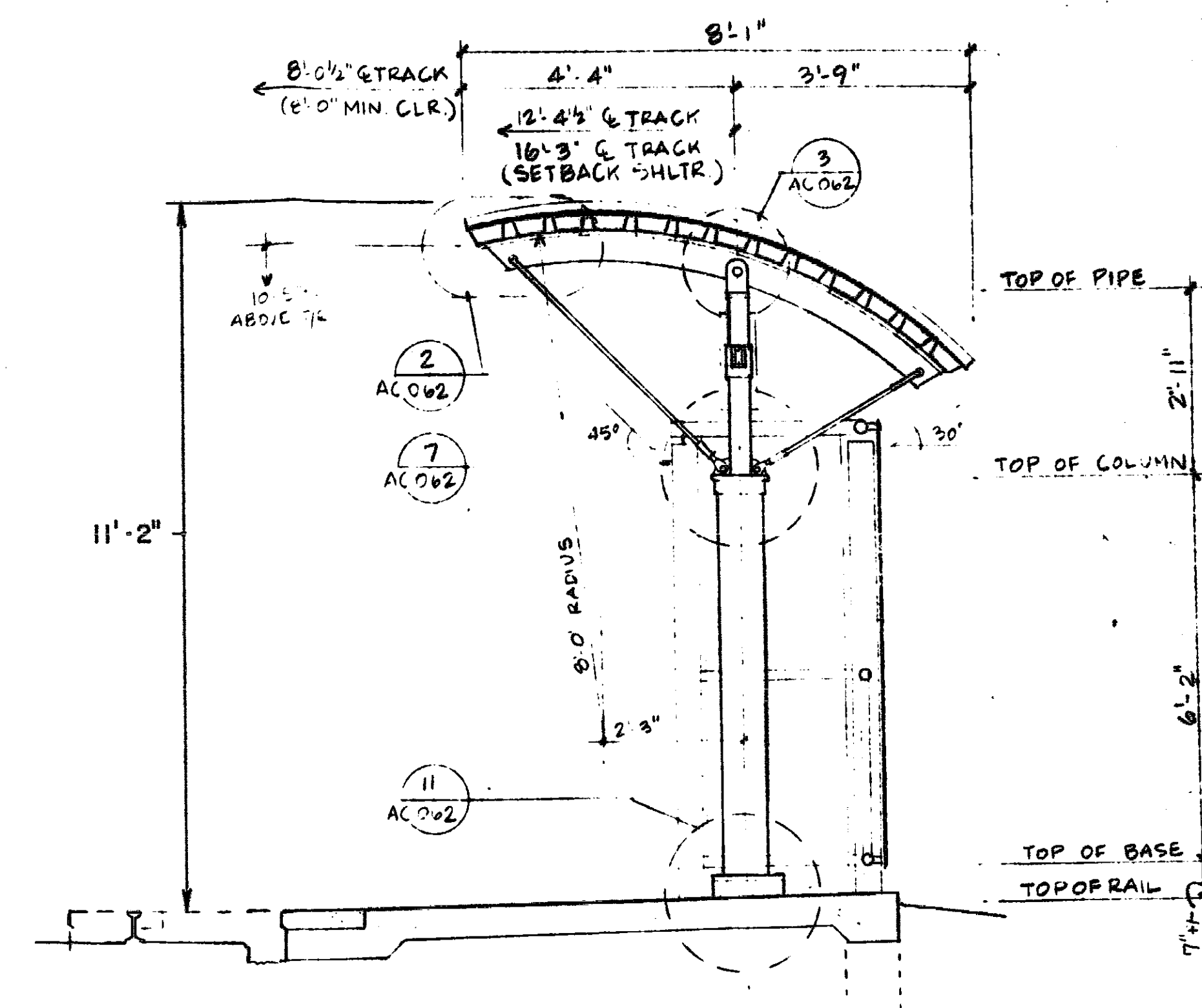
PLAN TO ACCOMPANY ZONING PETITION FOR
SPECIAL EXCEPTION FOR THE
BALTIMORE HIGHLANDS
RAIL PASSENGER STATION

SCALE 1/16" = 1'-0"

CURRENT PLANNING
CRS NO. XIII-141
PUBLIC SERVICES
CRS NO. 90361
SHEET NO.



**PETITIONER'S
EXHIBIT 3**



91-410-X

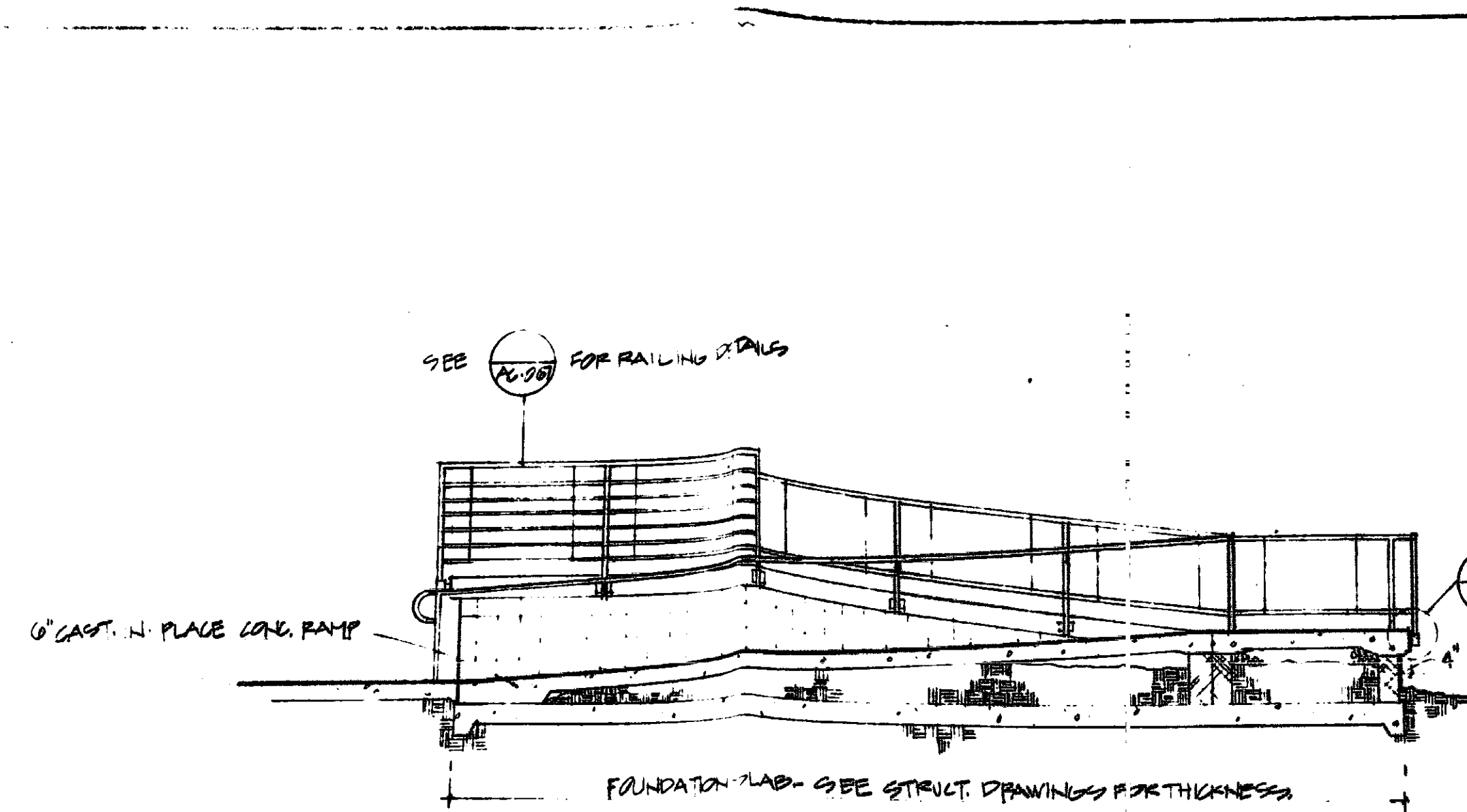
STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION MASS TRANSIT ADMINISTRATION	PARRONS, BRINCKERHOFF, QUADE & DOUGLAS, INC. ROBINSON - KNUDSEN ENGINEERS, INC. CONSULTING ENGINEERS
CENTRAL LIGHT RAIL LINE	MR. WILKS & BENN ARCHITECTS, INC. 100 WEST SARATOGA STREET ANNAPOLIS, MARYLAND 21201

						DESIGNED	DATE
						JWW	4-15-8
						DRAWN	APPROVED
						JWW	
						CHECKED	APPROVED
NO.	DESCRIPTION		BY	DATE			

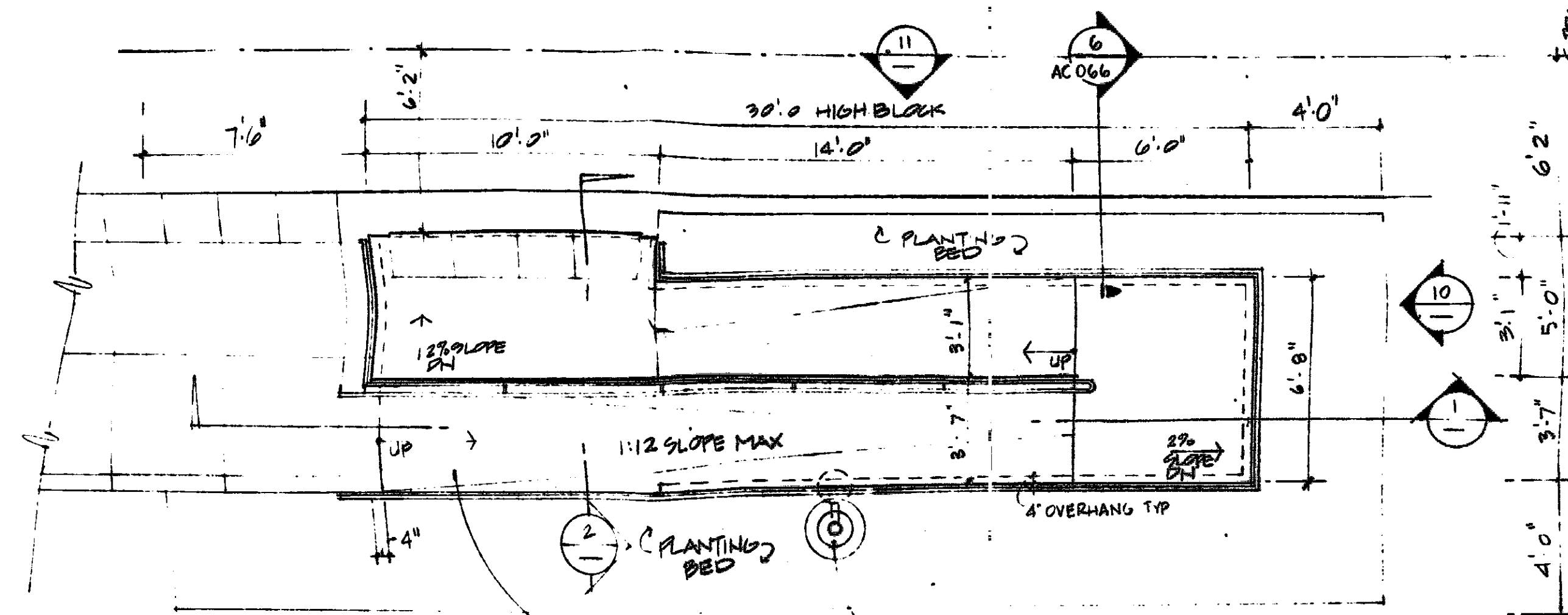
PLAN TO ACCOMPANY ZONING PETITION FOR
SPECIAL EXCEPTION FOR THE
BALTIMORE HIGHLANDS
RAIL PASSENGER STATION

SCALE AS NOTED

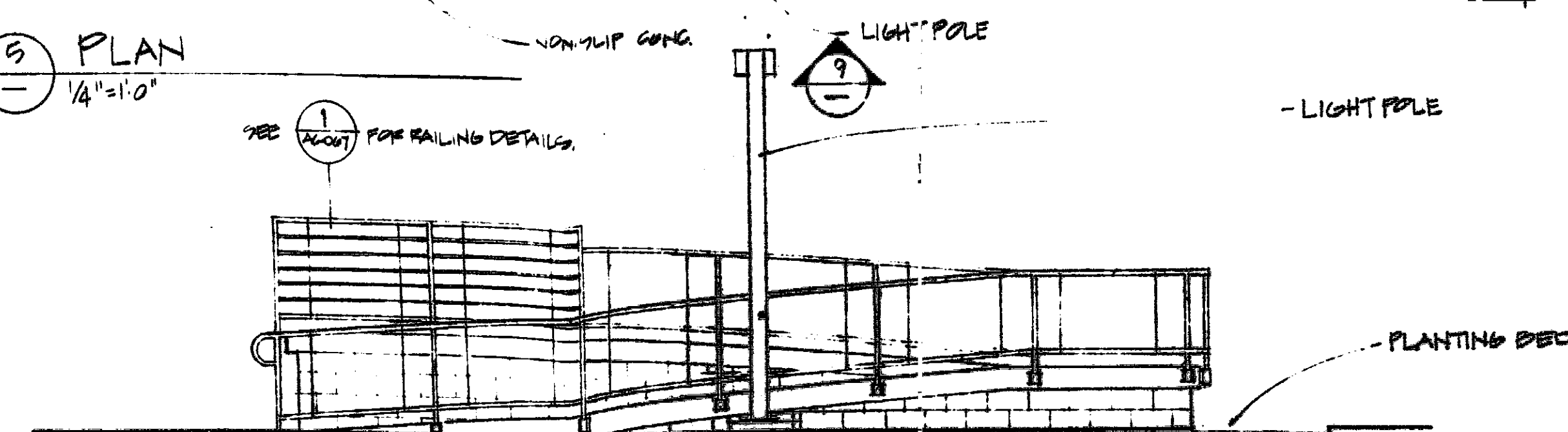
R
 CURRENT PLANNING
 CRG NO. 1000
 XIII - 141
 PUBLIC SERVICES
 CRG NO. 1000
 90361
 SHEET NO. 1000
 1000



1 LONGITUDINAL SECTION
1/4" = 1'-0"



5 PLAN
1/4" = 1'-0"

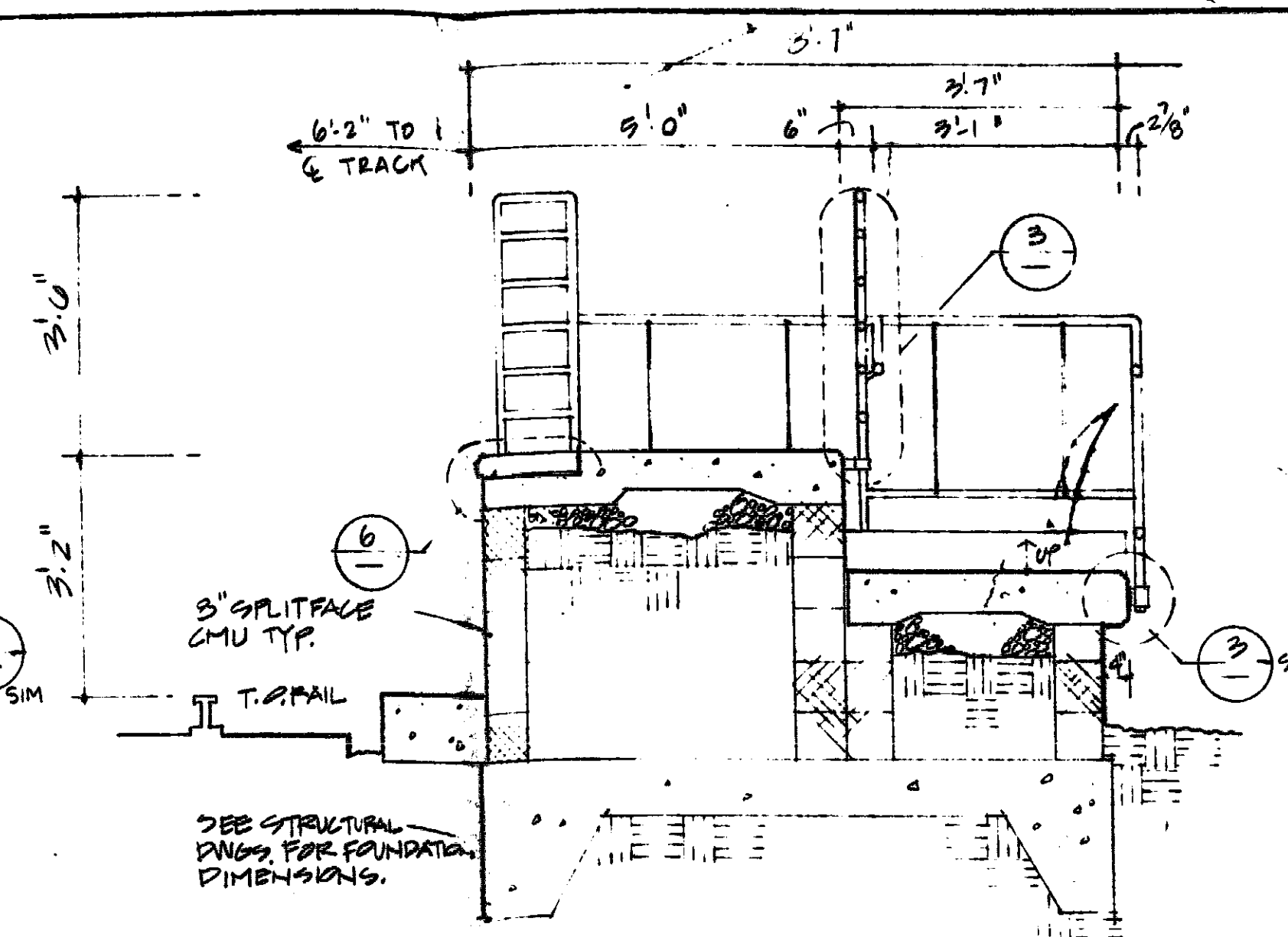


9 ELEVATION
1/4" = 1'-0"

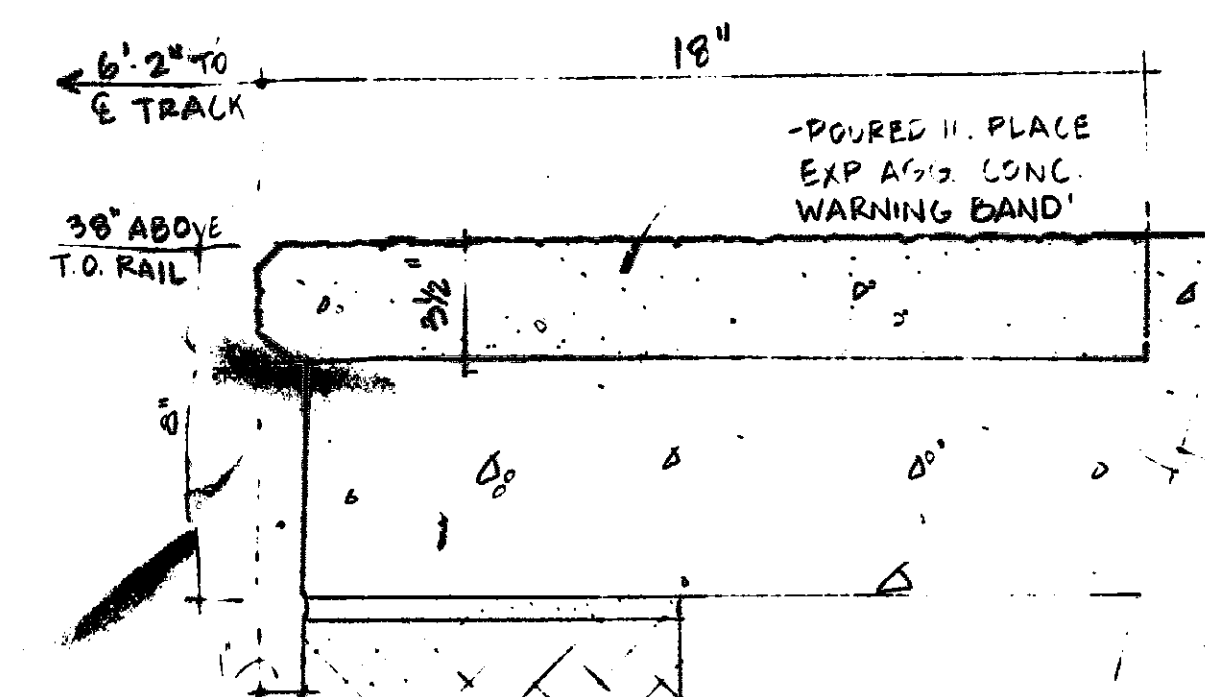
PETITIONER'S
EXHIBIT 4

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION
MASS TRANSIT ADMINISTRATION
CENTRAL LIGHT RAIL LINE

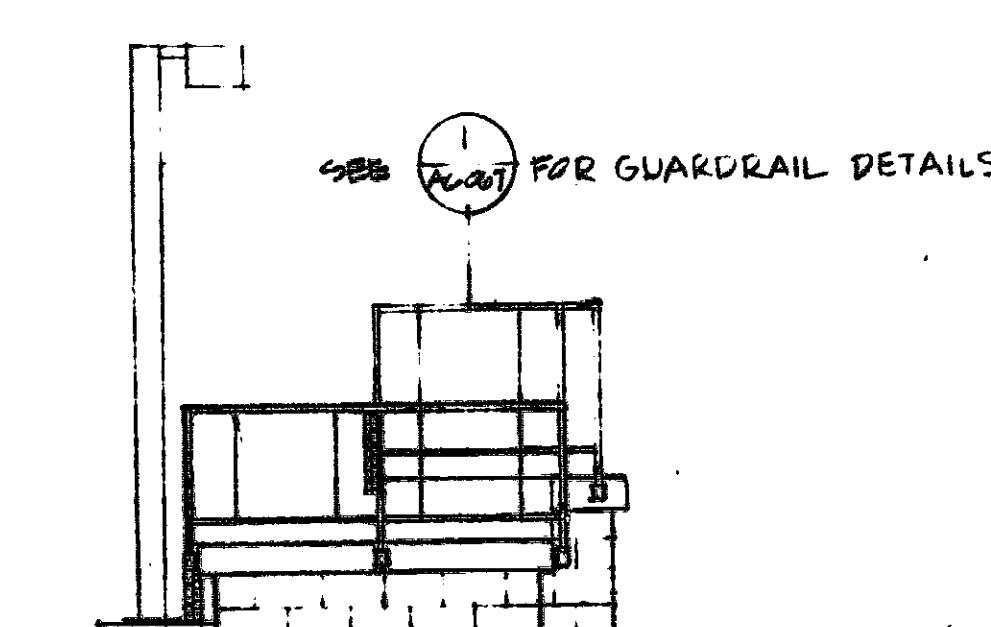
PARSONS, BRINCKERHOFF, QUADE & DOUGLAS, INC.
CONSULTING ENGINEERS
WILKS & BENN ARCHITECTS, INC.
110 WEST SARATOGA STREET
BALTIMORE, MARYLAND 21201



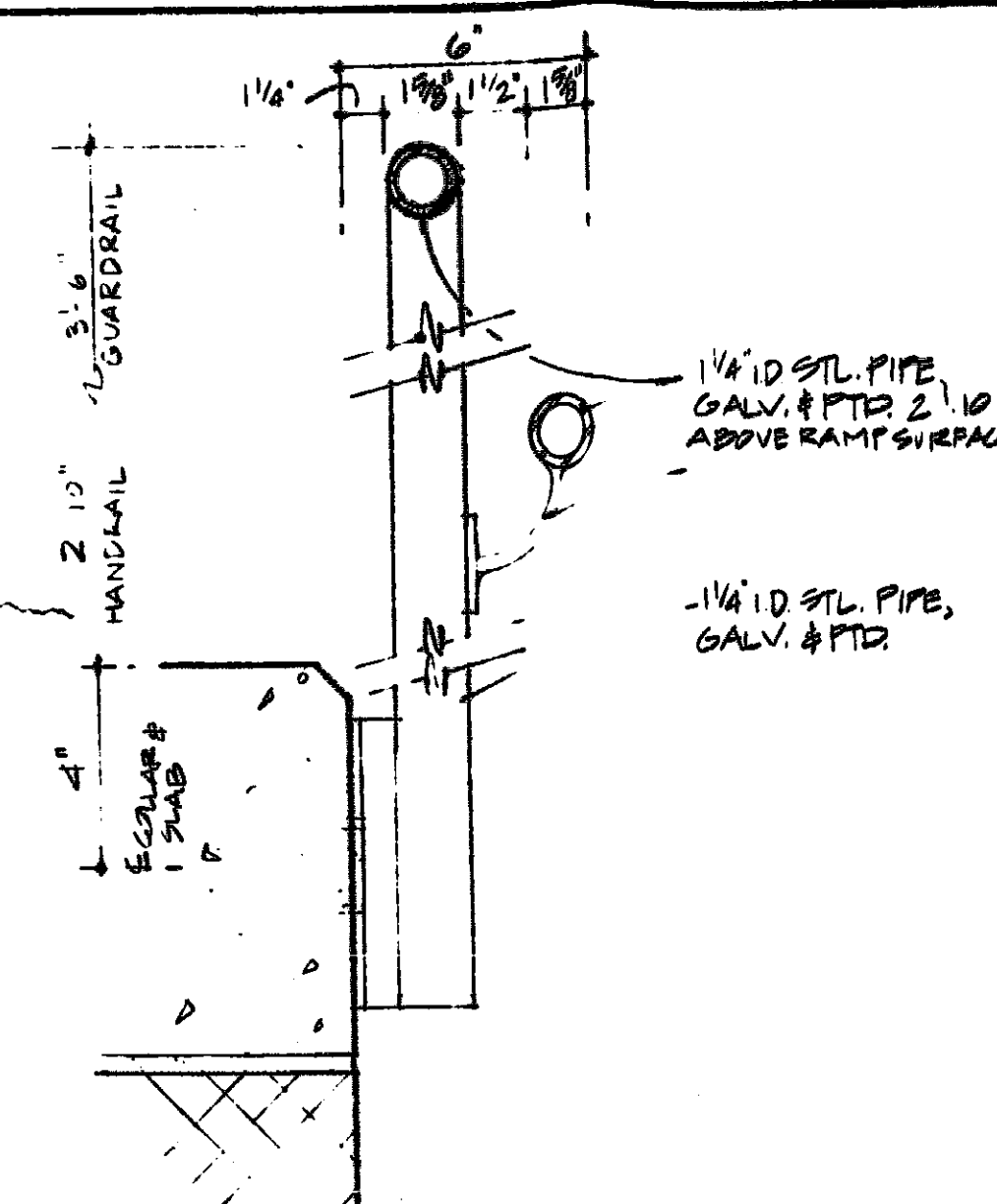
2 SECTION
1/2" = 1'-0"



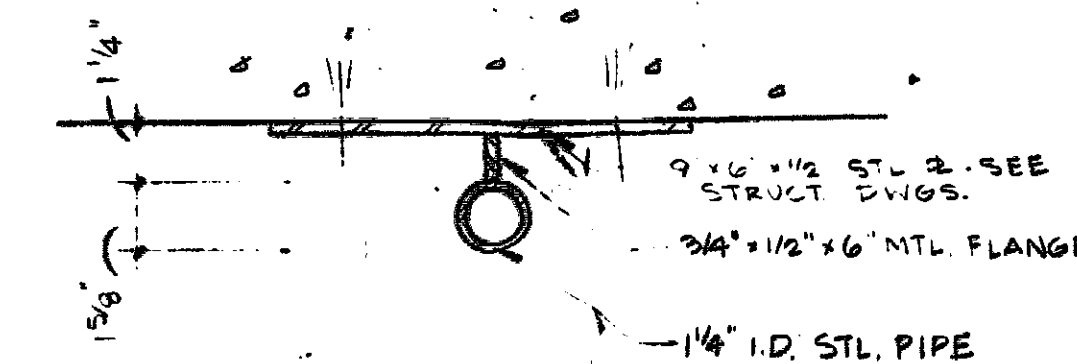
6 PAVER DETAIL
3/8" = 1'-0"



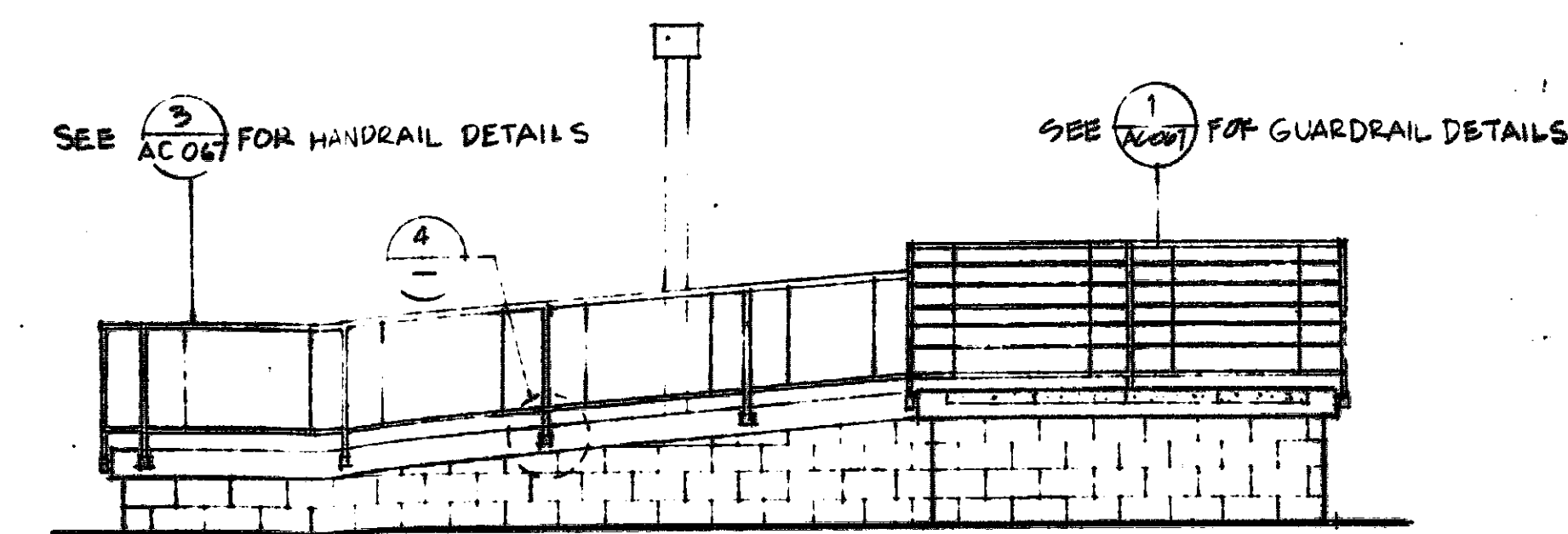
10 ELEVATION
1/4" = 1'-0"



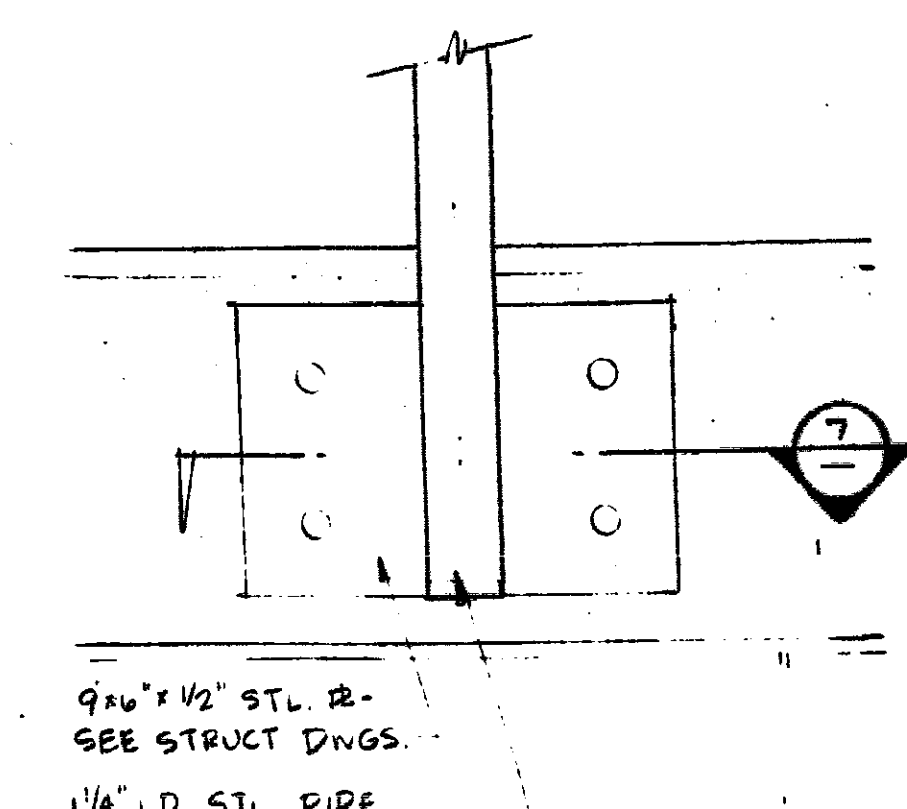
3 RAILING DETAIL
3/8" = 1'-0"



7 PLAN SECTION OF RAILING
3/8" = 1'-0"



11 HIGHBLOCK ELEVATION
1/4" = 1'-0"

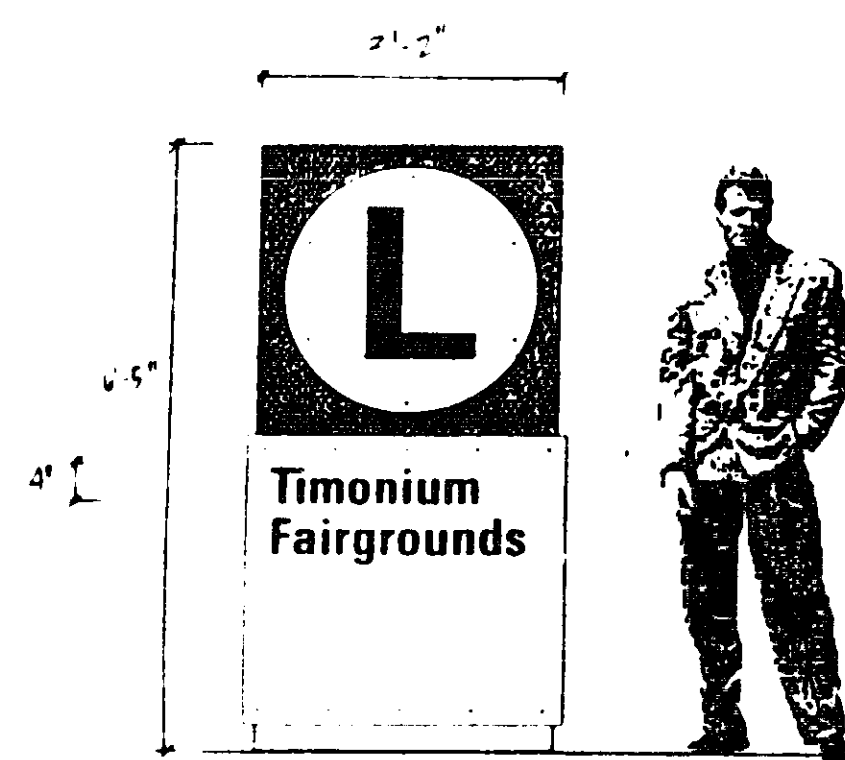


4 ELEVATION OF RAILING
3/8" = 1'-0"

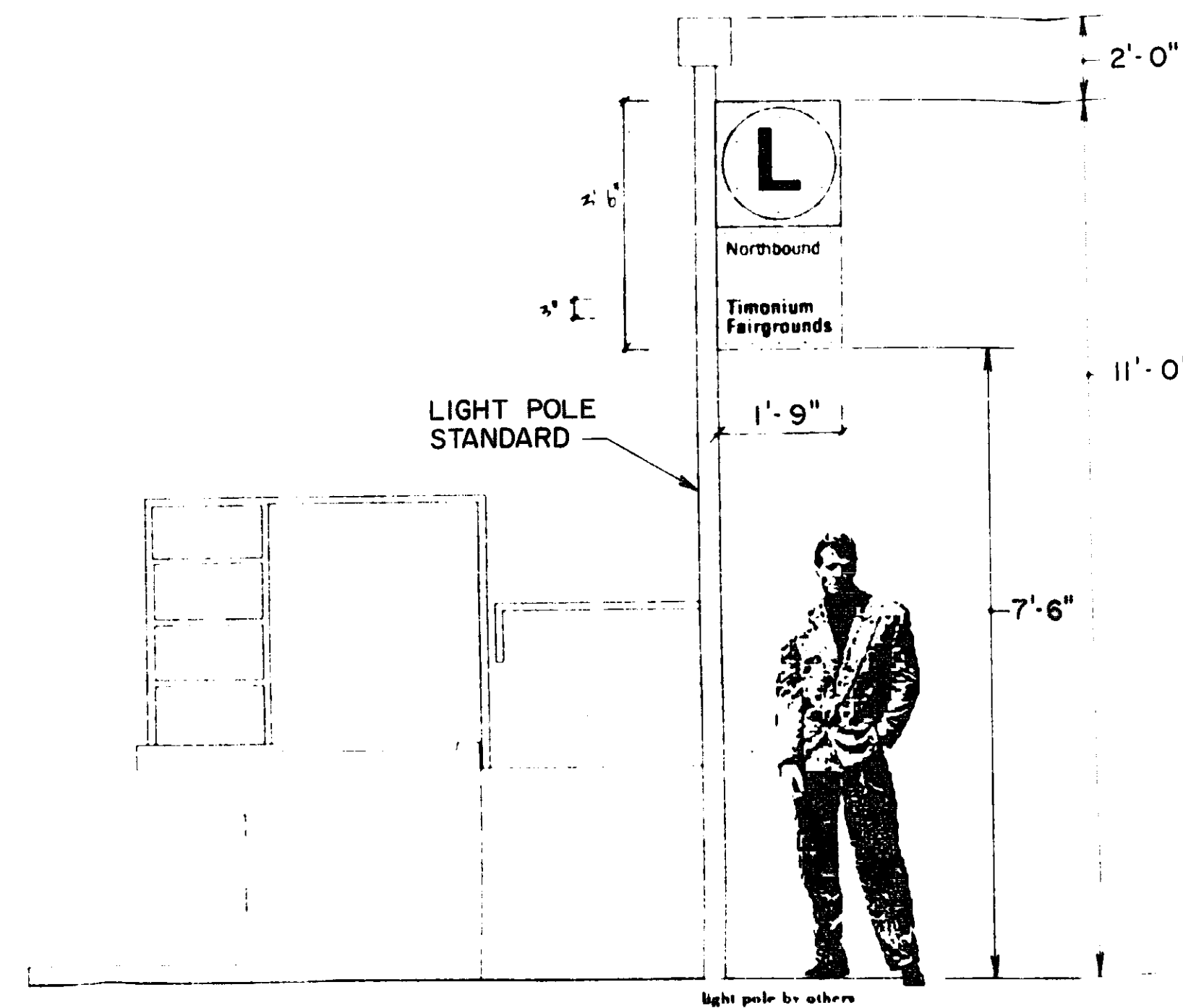
PLAN TO ACCOMPANY ZONING PETITION FOR
SPECIAL EXCEPTION FOR THE
BALTIMORE HIGHLANDS
RAIL PASSENGER STATION

CURRENT PLANNING
CRS NO. 1
XII-121
PUBLIC SERVICE
CRS NO. 1
90361
SHEET NO. 6

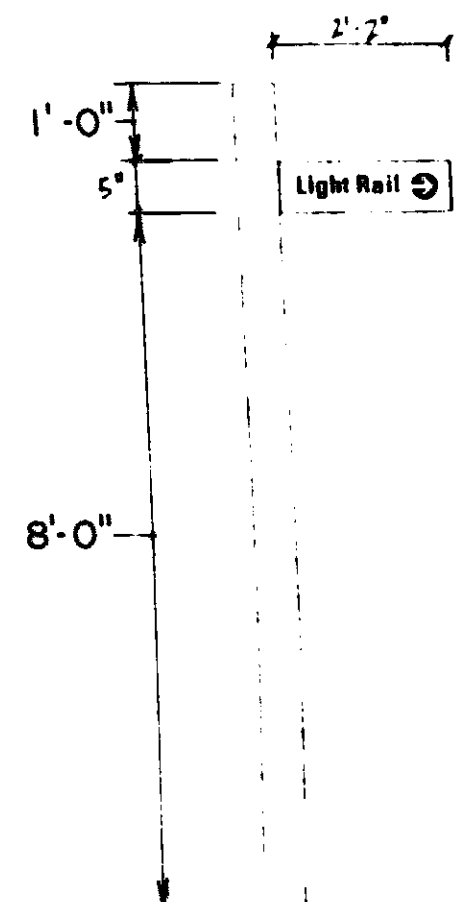
91-410-X



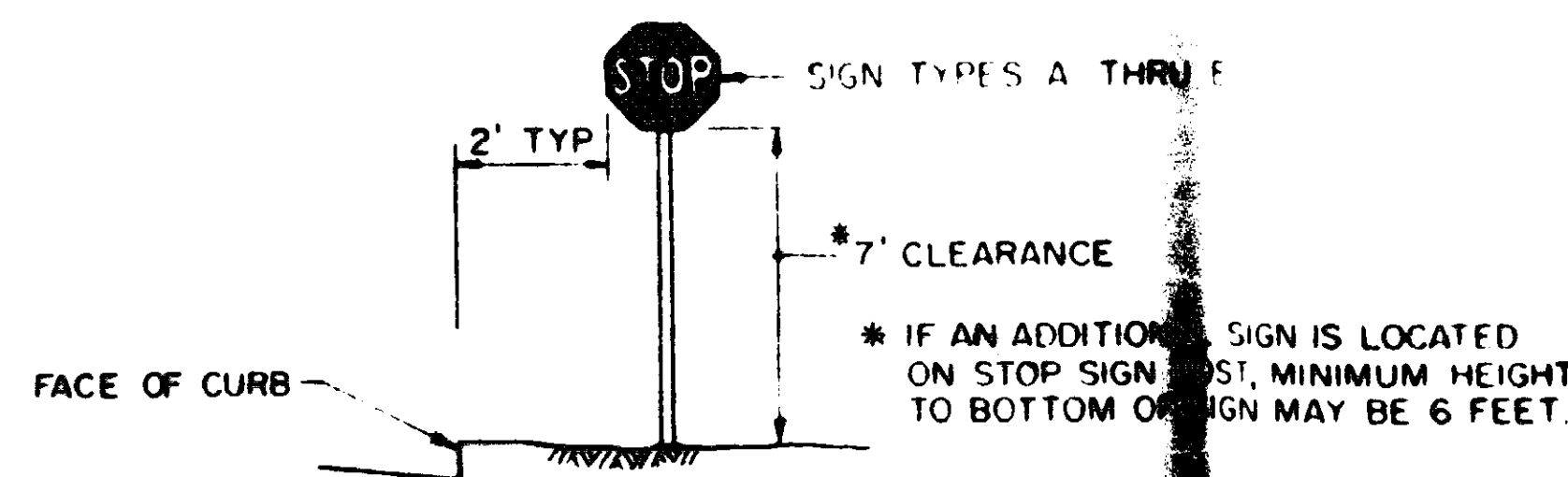
A SUBURBAN SITE IDENTIFICATION
SIGN TYPE F
(20.3 SQ. FT.)



B SUBURBAN IDENTIFICATION
SIGN TYPE G
(12.2 SQ. FT. DOUBLE FACE)



C TRAIL MARKER
SIGN TYPE I
(0.9 SQ. FT.)



TYPICAL TRAFFIC SIGN ELEVATION
NTS



SIGN TYPE A
5.2 SQ. FT.



SIGN TYPE K
16.5 SQ. FT. (SINGLE FACE)



SIGN TYPE C
6.3 SQ. FT.

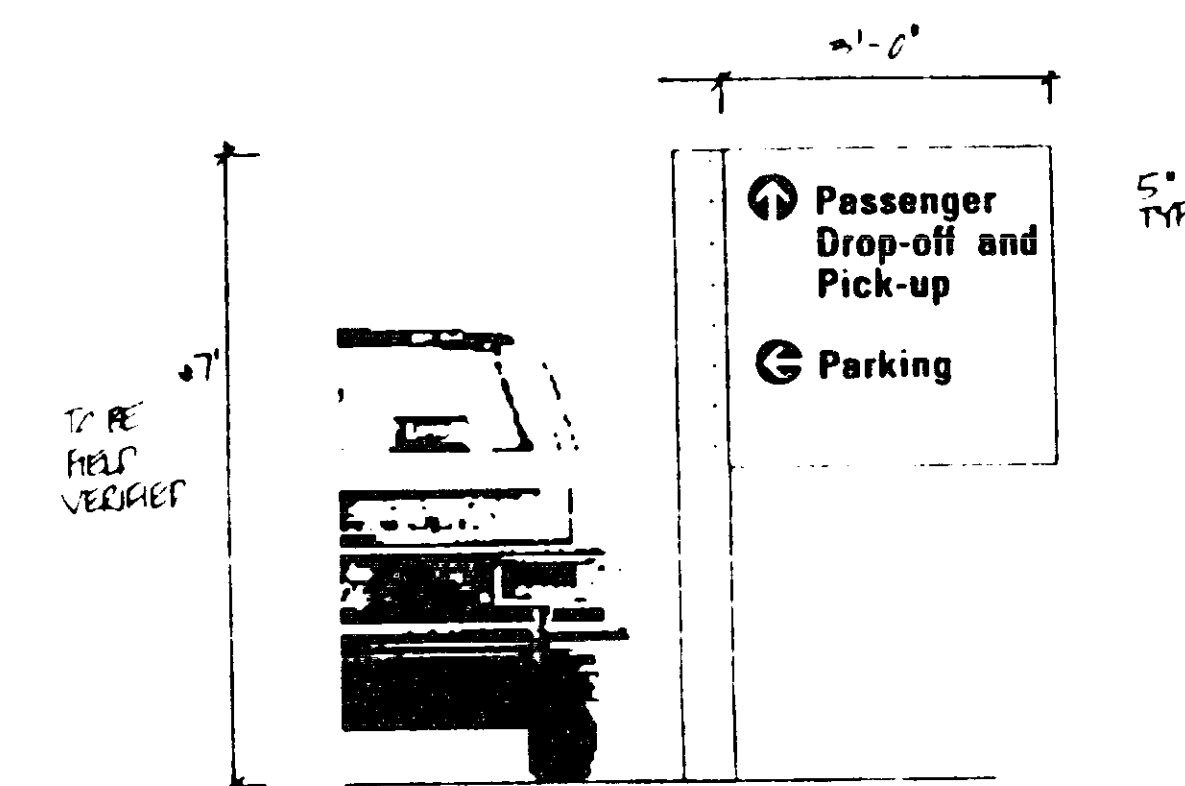


SIGN TYPE D
4.0 SQ. FT.



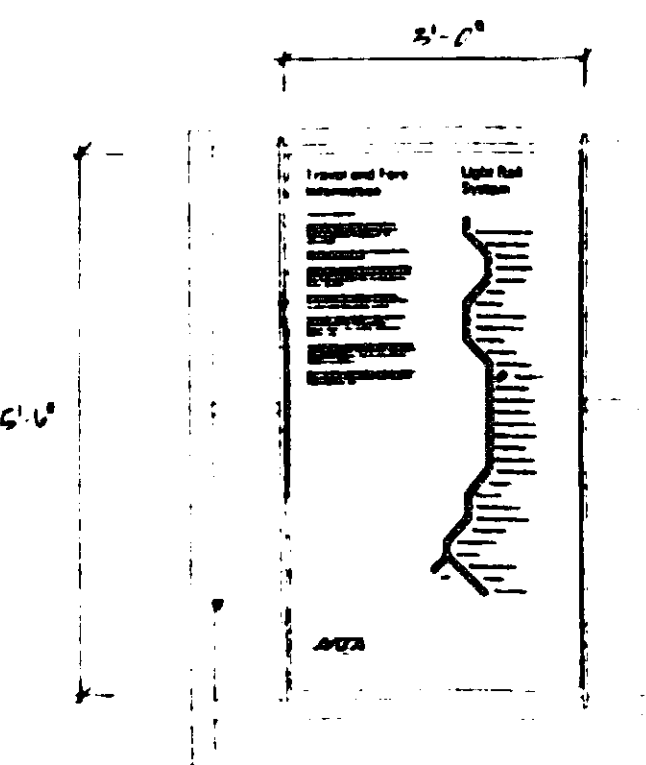
SIGN TYPE E
4.0 SQ. FT.

PETITIONER'S
EXHIBIT 5

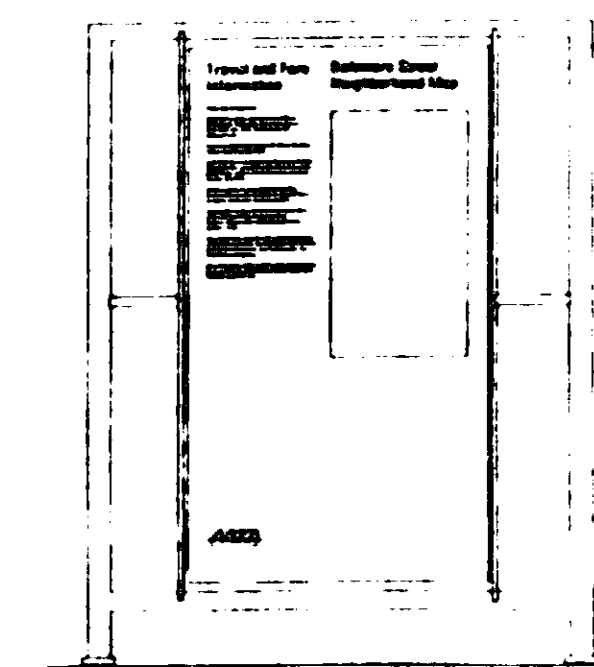


F VEHICLE DIRECTIONAL
SIGN TYPE M
(9.0 SQ. FT.)

NOTE: NO SIGNS WILL BE ILLUMINATED



G PEDESTRIAN CROSSING
SIGN TYPE K
(16.5 SQ. FT. SINGLE FACE)



H PEDESTRIAN CROSSING
SIGN TYPE K
(33.0 SQ. FT. DOUBLE FACE)

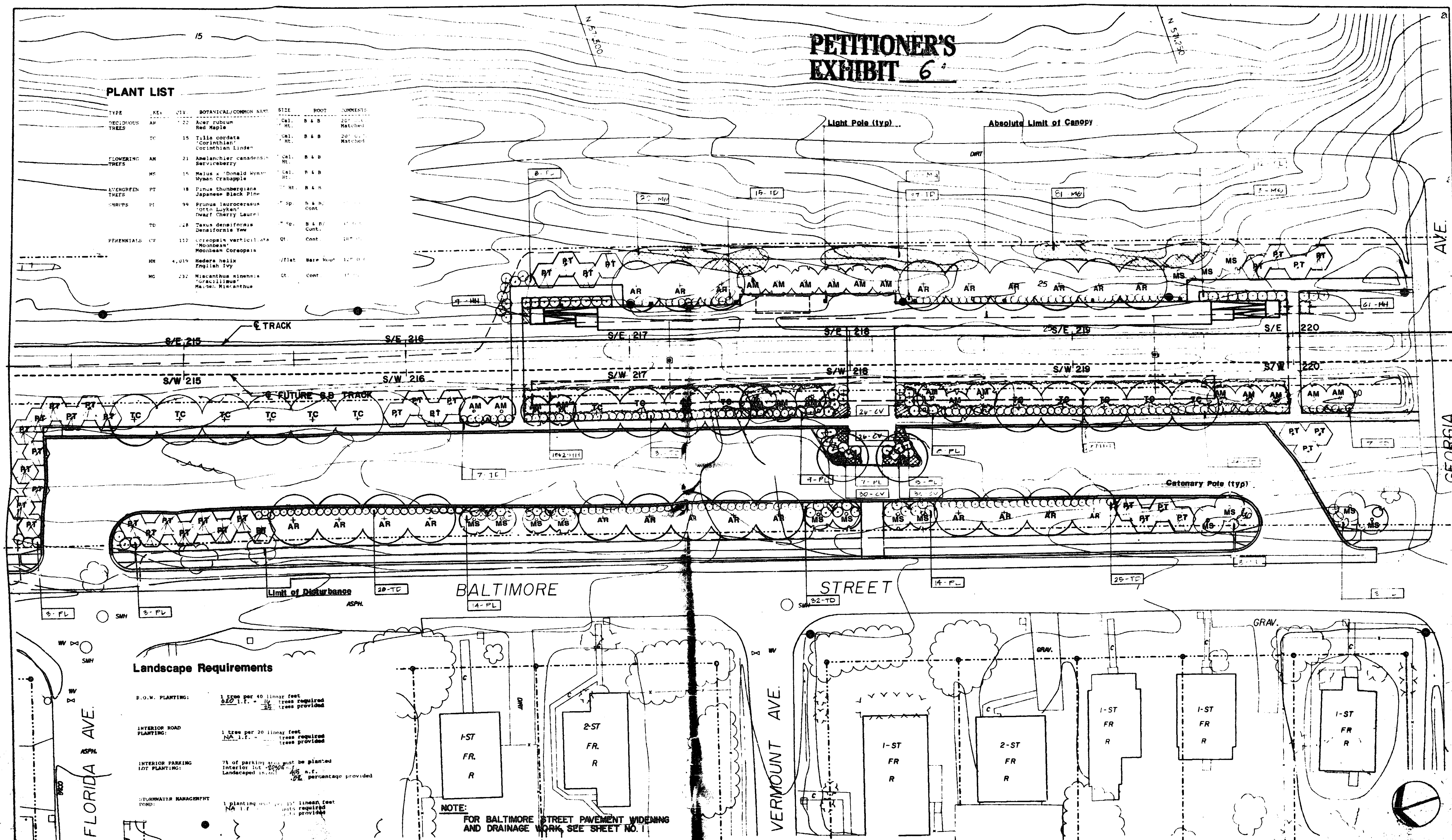
91-410-X

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION MASS TRANSIT ADMINISTRATION	PARSONS BRINCKERHOFF OUADE & DOUGLAS, INC. MORRISON - KNUDSEN ENGINEERS, INC. CONSULTING ENGINEERS			DESIGNED DATE 4-15-91	PLAN TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION FOR THE BALTIMORE HIGHLANDS RAIL PASSENGER STATION	CURRENT PLANNING CRG NO: XIII-141
CENTRAL LIGHT RAIL LINE	212 Two Twelve Associates 596 Broadway, Suite 1212 New York NY 10012 Phone 212.925.6885	Graphic Design Consultants		CHECKED APPROVED	SCALE 1/2" = 1'-0"	PUBLIC SERVICES CRG NO: 90361 SHEET NO: 5 OF 6

PETITIONER'S EXHIBIT 6

PLANT LIST

TYPE	KEY	NO.	BOTANICAL/COMMON NAME	SIZE	ROOT	COMMENTS
DECIDUOUS TREES	AR	12	Acer rubrum Red Maple	Cal. H.C.	B & B	20' H.C. Matched
	TC	15	Tilia cordata "Cordata" Cordata Linden	Cal. H.C.	B & B	20' H.C. Matched
FLOWERING TREES	AM	21	Amelanchier canadensis Serviceberry	Cal. H.C.	B & B	
	MS	16	Malus x "Donald Wyman" Wyman Crabapple	Cal. H.C.	B & B	
EVERGREEN TREES	PT	18	Pinus thunbergiana Japanese Black Pine	Cal. H.C.	B & B	
SHRUBS	SI	99	Prunus laurocerasus "Otto Luyken" Invar Cherry Laurel	"Sp." H.C.	B & B	Cont.
	TD	28	Taxus densiflora Densiformis Yew	"Sp." H.C.	B & B	Cont.
PERENNIALS	CV	152	Crocus verticillatus "Moonbeam" Moonbeam Crocus	OT Cont.		20' H.C.
	HR	4,019	Hedera helix English Ivy	/Flat H.C.	Bare Root	12' H.C.
	MG	232	Miscanthus sinensis "Oracilius" Maiden Miscanthus	OT Cont.		12' H.C.



Landscape Requirements

R.O.W. PLANTING:	1 tree per 40 linear feet 20' H.C. - 10 trees required 25' H.C. - 12 trees provided
INTERIOR ROAD PLANTING:	1 tree per 20 linear feet NA 12' H.C. - 10 trees required 15' H.C. - 12 trees provided
INTERIOR PARKING LOT PLANTING:	75% of parking area must be planted Interior lot 20' H.C. - 10 trees required Landscaped area 15' H.C. - 12 trees provided
STORMWATER MANAGEMENT:	1 planting unit per 100 linear feet NA 12' H.C. - 10 trees required 15' H.C. - 12 trees provided

NOTE:
FOR BALTIMORE STREET PAVEMENT WIDENING
AND DRAINAGE WORK, SEE SHEET NO. 1

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION
MASS TRANSIT ADMINISTRATION

CENTRAL LIGHT RAIL LINE

PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC.
MOORESON - KNUDSEN ENGINEERS, INC.
CONSULTING ENGINEERS

Catherine Mahan & Associates
Landscape Architects
900 St. Paul Street
Baltimore, Md. 21202
Tel: (301) 576-1214
Fax: 539-5807

DESIGNED	CMA	DATE	4-15-91
DRAWN	CMA	APPROVED	
CHECKED		APPROVED	
DESCRIPTION	BY	DATE	

BALTIMORE HIGHLANDS STATION
Rail Passenger Station
CRG Landscape Plan 91-410-X

SCALE 0 10 20 40
1" = 20'